

The Washington Purchasing Manual Revised August 7, 2009

1.	Introduction	3
1.1.	Authority for delegation of purchase authority	3
1.2.	Policies and Procedures in the Washington Purchasing Manual are minimum standards.....	3
1.3.	Agency Representative.....	3
1.4.	Compliance	4
2.	How to use the Washington Purchasing Manual	4
2.1.	How to get guidance and help	5
2.2.	When to contact OSP to conduct your acquisition.....	5
2.3.	How to request OSP to conduct your acquisition	6
2.4.	Purchase Delegation Reference	8
3.	Glossary	9
4.	Laws and Rules.....	19
4.1.	Chapter 43.19 RCW, Department of General Administration	19
4.2.	Chapter 43.19A RCW, Recycled Product Procurement	22
4.3.	236-48 WAC, Office of State Procurement	23
4.4.	236-49 WAC, Relationship and Procedures between Division of Purchasing and state Agencies	26
5.	Principles of Purchasing	26
5.1.	Ethical Behavior and Conduct.....	26
5.2.	Open and effective competition.....	26
5.3.	Enhancing the Socio-Economic Goals of the State.....	27
5.4.	Value for money	28
6.	Applying the Principles of Purchasing	28
6.1.	Methods of Acquisition	28
6.2.	Standard Purchasing Forms	39
6.3.	The Bid Process	40
6.4.	Protests	52
6.5.	Segmenting or Splitting Requirements	52
6.6.	Disclosing Purchasing Information	52
6.7.	Minority and Women's Business participation	53
6.8.	Moving Services	53
6.9.	Prevailing Wages	54
6.10.	Lease Purchase	54
6.11.	Best Buy Program.....	54
6.12.	WTO Procurement Requirements	55
6.13.	Disposing of State Surplus Property	56
6.14.	Disposing of Scrap Materials.....	57
6.15.	Ethical Behavior and Conduct	57
6.16.	Limited and Specific Purchase Authority	60
6.17.	Expanding Opportunities for People with Disabilities.....	62
6.18.	Mercury Reduction	63
6.19.	Efficiency Purchasing Standards.....	65
7.	Delegated Purchases	66
7.1.	Purchases Subject to Competition.....	66
7.2.	Purchases exempt from Competition.....	67
8.	Non-Delegated Purchases.....	70
9.	Other Types of Purchases	71

9.1.	Personal Services, chapter 39.29 RCW	71
9.2.	Client Services, RCW 39.29.006(2)	72
9.3.	Information Processing Equipment and Services, chapter 43.105 RCW.....	72
9.4.	Public Works, RCWs 28B.10.350, 39.04, 39.80 and 43.19.450	72
9.5.	Highway Design and Construction, chapters 39.80 and 47.28 RCW	72
9.6.	Printing Services, chapter 43.78 RCW	72
9.7.	Insurance and Bonds, RCW 43.41.300	72
9.8.	Higher Education, RCW 28B.10.029	73
9.9.	Space/Buildings, RCW 43.82.010	73
9.10.	Purchases for Resale, RCW 43.19.190(2).....	73
9.11.	Interpreter Services, RCW 43.19.190(2)	73
9.12.	Vending Services, chapter 74.18 RCW	73
9.13.	Travel on state Business & Credit Card Services, RCW 43.03.065	73
9.14.	Original Works of Art, RCW 43.19.455, chapter 43.46 RCW	73
9.15.	Recognition Awards, RCW 41.60.150	73
9.16.	Janitorial Services and Carpet Cleaning at state Owned Facilities, RCW 43.19.125.....	74
9.17.	Competitive Contracting, RCW 41.06.142	74
10.	Recommended Best Practices	74
10.1.	Why Compete?	74
10.2.	Standard Purchasing Forms	74
10.3.	Sole Source	75
10.4.	Purchased Services.....	79
10.5.	Specifications	83
10.6.	Lease Purchases.....	89
10.7.	Evaluation Committees.....	90
10.8.	Award Methodologies	91
10.9.	Terms of Sale	91
10.10.	Managing Customer Feedback.....	92
11.	Index	94
12.	Cross Walk.....	96
13.	Purchasing Decision Tree	98

1. Introduction

The *Washington Purchasing Manual* contains both required procedures and guidelines that apply to the purchase of goods and services, as set forth in statute and policy as well as describing best purchasing practices.

The *Washington Purchasing Manual* will help you apply the purchasing process to your best advantage when planning, soliciting, awarding and administering contracts. By following these guidelines and generally accepted purchasing principles, you and your agency will achieve better results and ensure against the unfortunate legal and technical pitfalls. Recommended best practices are included as a separate section to further assist you.

Additionally, the *Washington Purchasing Manual* delegates [purchase authority](#) of certain [goods and services](#) from the [Department of General Administration, Office of State Procurement](#) (OSP) to [agencies](#) conducting their acquisitions in accordance with chapter [43.19 RCW](#).

The *Washington Purchasing Manual* is located electronically on the Office of State Procurement home page at <http://www.ga.wa.gov/PCA/Manual.htm>

1.1. *Authority for delegation of purchase authority*

The [Assistant Director](#) has the authority to delegate to state agencies authorization to purchase or sell goods or services. See RCWs [43.19.180](#) and [43.19.190](#).

1.2. *Policies and Procedures in the Washington Purchasing Manual are minimum standards*

The policies and procedures in the *Washington Purchasing Manual* are the minimum requirements that state agencies must meet and are to be consistently applied regardless of the source of funds (e.g. federal, or local). An agency may adopt additional policies and procedures in greater detail, or use additional or alternative supporting documentation, as long as the agency meets the required minimum standards.

Agencies are encouraged to establish processes and systems to smoothly comply with these regulations and to take advantage of best practices. Change is an ongoing and necessary element in government purchasing, and new legislation can significantly impact procurement decisions. For that reason, it is imperative that state government managers and staff keep abreast of changing requirements. The *Washington Purchasing Manual* will assist you in that effort.

1.3. *Agency Representative*

Agencies must designate an agency purchasing representative(s) at the management level with policy and operational level oversight.

The agency purchasing representative(s) is responsible for:

- Distributing and implementing the *Washington Purchasing Manual* within the agency,

- Coordinating agency *Washington Purchasing Manual* training; and
- Functioning as the primary point of contact with the Office of State Procurement.

1.4. ***Compliance***

Agency heads are responsible for ensuring their agency complies with the *Washington Purchasing Manual*. Purchasing personnel are responsible for compliance with the requirements of the *Washington Purchasing Manual*.

Agency compliance with the *Washington Purchasing Manual* shall be a consideration for future delegation of purchasing authority. See RCW [43.19.190\(3\)](#).

For the purposes the *Washington Purchasing Manual*, purchasing personnel is defined as all persons who perform any of the following duties for a [state agency](#):

- Approves solicitations for advertisements to the public.
- Decides the appropriate acquisition method.
- Identifies and/or selects potential vendors (i.e. – develops a bid list, etc.).
- Solicits bids, requests for proposals, requests for quotes, etc. from vendors.
- Evaluates and awards bids, proposals, offers, contracts, etc.
- Administers contracts/purchase orders from award to completion.
- Responsibility for the purchasing/contracting function of the agency.
- Initiates, approves or signs purchase orders or contracts on behalf of the agency.

2. **How to use the Washington Purchasing Manual**

This document is best viewed with Windows XP.

The *Washington Purchasing Manual* has been structured to allow you to rapidly find information regarding the requirements to exercise your delegated purchase authority.

References to statutes, rules, agencies, definitions and parts within the *Washington Purchasing Manual* are hyperlinked to additional information. Hyperlinks are colored and underlined text or a graphic that you click on to jump to a file, a location in a file, a page on the World Wide Web, or a page on an intranet. This is what a [hyperlink](#) looks like.

[Part 2](#) contains information on using the *Washington Purchasing Manual* as well as guidance on how to get help.

[Part 3](#) of the on-line version of the *Washington Purchasing Manual* contains a glossary.

[Part 4](#) contains Revised Code of Washington (RCW) 43.19 and 43.19A and the Washington Administrative Code (WAC) 236-48 and 236-49. These form the legal basis for the *Washington Purchasing Manual*.

[Part 5](#) contains the Principles of Purchasing that agencies must follow in exercising their delegated purchase authority.

[Part 6](#) contains requirements that agencies must comply with in implementing the *Washington Purchasing Manual* and should use as a basis for developing agency purchasing procedures.

[Part 7](#) contains the [general purchase authorities](#) that are delegated to agencies and related financial thresholds.

[Part 8](#) contains specific goods and services that are not delegated to agencies and must be purchased by OSP.

[Part 9](#) contains other types of purchases not governed by the *Washington Purchasing Manual*.

[Part 10](#) contains recommended best practices. Use and implementation of Part 10 is at the discretion of state agencies.

[Part 11](#) of the on-line version of the *Washington Purchasing Manual* provides direct links from the index to the referenced subsection. A complete index has been provided in the front of each volume of the hard-copy *Washington Purchasing Manual*.

[Part 12](#) contains a table that cross references the [purchase delegation references](#) between the General Authorities and the *Washington Purchasing Manual*.

[Part 13](#) contains a Purchasing Decision Tree to help you rapidly find the appropriate purchasing method or process.

2.1. ***How to get guidance and help***

Your primary point of contact for guidance and help in understanding and implementing the *Washington Purchasing Manual* is your designated agency representative.

For additional assistance you may contact the OSP Customer Service Team at (360) 902-7400 or csmail@ga.wa.gov.

You can e-mail to: <mailto:SKruege@ga.wa.gov>
or call: (360) 902-7233
or write:

Policy and Protest Manager
Office of State Procurement
PO Box 41017
Olympia WA 98504-1017

2.2. ***When to contact OSP to conduct your acquisition***

Contact OSP to conduct your acquisition under the following circumstances:

- The authority to purchase has not been [delegated](#) in the *Washington Purchasing Manual*, a [limited purchase authority](#) or a [specific purchase authority](#); and
- The purchase may be available through a [purchasing cooperative](#); or
- The purchase is not specifically listed in [Part 9](#) Other Types of Purchases

A [Purchasing Decision Tree](#) is available at the end of the *Washington Purchasing Manual* to assist you in determining the appropriate method of acquisition.

2.3. ***How to request OSP to conduct your acquisition***

The Purpose of the Requisition and the Role of the Requisitioner

The requisition is an internal document that conveys to OSP authorized request for goods or services. It officially initiates a particular acquisition action. Preparation of requisitions is the responsibility of the agency's purchasing personnel. They must make sure that the requests they submit provide clear and accurate descriptions of requirements and that they contain validation that all necessary approvals and clearances have been obtained. Agency purchasing personnel play an important part in the requisition process. They are responsible for reviewing requisitions to see that they describe requirements adequately and that they provide sound bases for scheduling acquisitions. Furthermore, they can often provide valuable assistance in planning for conduct of the acquisition and in preparing the requisition.

Agency requests for OSP to conduct an acquisition or request a limited purchase authority must be submitted via [Form A15-A Purchase](#). The A15-A is the official agency authorization that identifies a specific requirement and advances the procurement process.

Timely Submission of Ready Requisitions

Ultimately, the success of purchasing planning depends on the timely submission of requisitions that are ready for processing by OSP. A "ready" requisition contains the following:

- Appropriate cost information
- A full functional, performance or detailed design requirements document (specifications, design, drawings, and scope of work). See [Specifications](#). Support documentation, including all required approvals, and justifications.
- Delivery or performance schedule dates.
- Authorized individual's signature.

Attention to detail in the above areas will promote effective purchasing actions by [State Purchasing Officer Teams](#).

Requisitions that are not "ready" cannot be processed and may be returned to the requisitioner for corrective action. "Ready" requisitions are of particular importance as the end of the fiscal year and the commensurate increase in procurement workloads approach.

Timely submission of "ready" requisitions depends greatly on the commodity or service required, delivery or performance dates, the dollar value of the requirement, and the

method of procurement to be used. Requisitions should be submitted as early as possible in the fiscal year to reduce year-end spending.

Procurement lead-time begins when a properly prepared, fully documented "ready" requisition is received in the procurement office and ends when a contract award is made.

Established Requisition Cutoff Dates

Proper processing of procurement transactions is controlled by time frames required to accomplish various phases of the acquisition. These time frames are established by law, regulation, and administrative procedure, and must be adhered to by procurement personnel. To avoid hasty procurements and compromise of the procurement process or procurement personnel, cutoff dates for receipt of "ready" requisitions are provided by OSP each year. Only urgent and compelling requirements should be submitted after the specified dates.

Preparation and Review of Requisitions

The requisition is prepared using the Form A15, Purchase Requisition. The [A15-A](#) with its attachments, is the official document that identifies a specific requirement. It must be sufficiently detailed and complete so that OSP purchasing personnel can begin individual transaction planning and scheduling.

For complex or large dollar requirements, however, it is advisable to work with the appropriate [State Procurement Officer](#) to initiate early individual planning and to discuss the substance of the requirement in order to insure a requisition package is complete.

Key Requirements

There are certain requirements essential to all requisitions. These are:

- Requirements document ([Specification](#) or [Statement of Work](#))
- In-house cost estimates and source of funding
- Delivery or performance schedules
- List of known sources
- Required clearances and approvals

Depending on the type and nature of the requirement, the following additional elements may also be necessary:

- Special conditions, provisions, or circumstances that must be considered
- Justification for other than full and open competition ([sole source](#))
- Statement of need for pre-solicitation conference or site visit

Common Problems with Requisition Documents

As stated earlier, purchasing personnel must have adequate and complete information from requisitioners in order to carry out acquisitions efficiently. The following is a list of deficiencies and inconsistencies that frequently need to be remedied, thus delaying the purchase.

1. *Inadequate description.* The buyer has to guess at what is required and must either go back to the requisitioner for further information or prepare a more adequate description in coordination with the requisitioner. Note: The buyer should make no changes in the description of the requirement without first consulting the requisitioner.
2. *Unrealistic delivery schedule.* A check back with the requisitioner must be made to determine if there is a justifiable urgency. In some cases, taking special action to meet an urgent delivery or performance schedule is warranted; in others, coordination with the requisitioner will result in more realistic delivery requirements.
3. *Discrepancy between quantity/packaging required and industry practice.* Adjustment may need to be made to ensure that the state makes the most economical buy, given the unit, quantity break, and packing practices which are standard for the potential suppliers. Sometimes, units must be converted from one form of measure to another - from tonnage to cubic yards, for example.
4. *Inadequate indication of delivery point.* It is essential that suppliers are given a complete address to which delivery shall be made and informed of the hours during which goods can be received at destination.
5. *Insufficient information on testing requirements.* If a specification provides for testing, it should indicate who will perform the tests, where, and when.
6. *Failure to attach or provide full information* on drawings and plans, or other materials that are available to vendors. Such documentation, or information on how it can be obtained, must be provided as part of the requisition.
7. *Omission of proper authorization.* The requisition will need to be returned for the necessary authorization before processing.

2.4. ***Purchase Delegation Reference***

The [Office of State Procurement](#) relies on the state Auditor in providing information to agencies regarding their compliance with the *Washington Purchasing Manual*. To assist the state Auditor in determining compliance it is necessary to establish a direct link between specific procurements and the *Washington Purchasing Manual*.

Agencies must reference on ordering documents the appropriate *Washington Purchasing Manual* purchase delegation, [state contract](#) number, [limited purchase authority](#) number or [specific authority](#) number. Where appropriate, agencies may choose to reference the purchase delegation from either [Part 7 Delegated Purchases Washington Purchasing Manual](#) or [Part 1 2003 General Authorities](#). [Part 12](#) contains a crosswalk to assist you.

Acquisitions made via [Community Rehabilitation Programs](#) or [Businesses owned and operated by persons with disabilities](#) must reference RCW [43.19.530](#) on your purchase order.

3. Glossary

As with many professions, public procurement has its own language that we use to talk among ourselves. This glossary is offered as a tool for clearer communication among us as we interact with our agencies, management and suppliers.

This glossary seeks primarily to present meanings for purchasing purposes, not legal or literally accurate definitions. Where words or phrases are specifically defined by rule – they are hyper-linked to that rule. Where a word or phrase has another meaning than defined by rule it is offered as a secondary definition.

Agency	As defined in 236-48-003 WAC agency shall mean of Washington institutions, the offices of the elective state officers, the Supreme Court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the "Agency" does not include the legislature but does include colleges, community colleges and universities who choose to participate in state contract(s) .
All or nothing award	<p>The result of a competitive Solicitation that requires that a Contract be executed with a single Contractor for delivery of goods and/or services. In the event that suppliers are unable to deliver the entirety of the goods and/or services required, no Contract is executed. No partial fulfillment opportunities are available as a result of the Solicitation</p> <p>As defined in 236-48-003 WAC - A method of award resulting from a competitive Solicitation by which the Purchasing Activity will award the resulting Contract to a single Bidder. Also, a designation the Bidder may use in its Bid or response to indicate its offer is contingent upon full award and it will not accept a partial award.</p> <p>See "Award"</p>
Alternate	<p>1) As defined in 236-48-003 WAC - A substitute offer of goods and services which is not at least a functional equal in features, performance and use and which materially deviates from one or more of the specifications in a competitive solicitation.</p> <p>2) A bid submitted in knowing variance from the specifications, terms, conditions or provisions of the solicitation. Such a bid is acceptable only when the variance is deemed immaterial.</p>
Award	The acceptance of a bid or proposal; the presentation of a purchase agreement or contract to a bidder.
Amendment	For the purposes of a Contract, shall mean an agreement between the parties to change the Contract after it is fully signed by both parties. Such agreement shall be memorialized in a written document describing the agreed upon change including any terms and conditions required to support such change. An Order Document shall not constitute an Amendment to a Contract.
Best Buy	A cost effective direct purchase from a source other than a state contract or Central Stores .

	See “Best Buy Program” , “State Contract Purchases” , and “Central Stores”
Bid	As defined in 236-48-003 WAC - A written offer to perform a contract to purchase or supply goods or services in response to an invitation for bid. See “Bidder” , “Invitation for Bid” , “Proposal” , and “Proposer” .
Bid List	As defined in 236-48-003 WAC – List of potential bidders maintained by the Office of State Procurement or purchasing activity from which names may be drawn for solicitation of bids, quotes or proposals. See RCW 43.19.1908 and “WEBS”
Bid Evaluation	The process of examining a bid after opening to determine the bidder’s responsibility, responsiveness to requirements, and to ascertain other characteristics of the bid that relate to determination of the successful bidder.
Bid Opening	The formal process through which bids are opened and the contents revealed for the first time. See “Bid”
Bid Sample	A sample required of a bidder for examination, comparison, testing and evaluation by the prospective purchaser.
Bidder	As defined in 236-48-003 WAC - A supplier who submits a bid, quotation or proposal. See “Bid” , “Invitation for Bid” , “Proposal” , and “Proposer” .
Bidder's bond	As defined in 236-48-003 WAC - As used in RCW 43.19.1915 shall mean either a bid guarantee or performance guarantee as addressed herein and as further outlined in 236-48-035 WAC through 236-48-036 WAC .
Brand	As defined in 236-48-003 WAC - A specification identifying a manufacturer of the goods described in a competitive solicitation to identify a standard of quality against which other products will be evaluated. Also known as “Methods of Describing Specifications”
Commodity	An article of trade, a movable article of value, something that is bought or sold.
Community Rehabilitation Programs (CRP)	An entity that is: <ol style="list-style-type: none"> 1) Recognized by the DSHS Division of Vocational Rehabilitation as a Community Rehabilitation Program; AND 2) Registered with the Secretary of State as a non-profit corporation See RCW 43.19.525

Competition	The process by which two or more vendors vie to secure the business of a purchaser by offering most favorable terms as to price, quality, delivery and/or service.
Competitive Procurement Standards (CPS)	OSP developed documents containing information relating to all invitations to bid. The CPS is comprised of Standard Definitions, Standard Instructions for Bidders, Standard Terms and Conditions. See also http://www.ga.wa.gov/business/cps.htm
Competitive Solicitation	A documented formal competitive process culminating in an award to the lowest responsive responsible bidder.
Confidential information	As defined in 236-48-003 WAC - Any information meeting the criteria in RCW 42.56.210 or any information designated as confidential pursuant to law
Conflict of Interest	A situation where the personal interests of a contractor, public official or employee are, or appear to be, at odds with the best interest of the state. See “ Ethical Behavior and Conduct ”
Contract	All types of agreements, regardless of what they may be called, for the procurement of or disposal of supplies, services or construction. As defined in 236-48-003 WAC – Contracts for goods and/or services administered by the Office of State Procurement on behalf of agencies, which normally include quantity and fixed term. The contract document will identify the conditions under which usage by agencies is required.
Contractor	As defined in 236-48-003 WAC - Individual, company, corporation, firm, or combination thereof with whom purchaser develops a contract for the procurement of goods and services. See Supplier .
Cooperative Purchasing	The combining of requirements of two or more political entities to obtain advantages of volume purchases, reduction in administrative expenses or other public benefits. See “ Purchasing Cooperative ” and “ Methods of Acquisition ”
Correctional Industries	A business within the Department of Corrections that uses inmate labor to produce goods and services for state agencies.
Delegated Authorities	Delegated authority by the Office of State Procurement to state agencies to purchase goods and services that are common to multiple state agencies.
Delegated purchase authority	As defined in 236-48-003 WAC - Authority to purchase goods and/or services delegated to an agency by Office of State Procurement pursuant to RCW 43.19.190(4) and which is delegated in one of the following forms: (a) General -Those purchases delegated by the Office of State Procurement

through the *Washington Purchasing Manual* which are common to multiple state agencies.

(b) Specific-Those purchases delegated to specific agencies for continuing individual commodity requirements.

(c) Limited-Those purchases delegated to a specific agency for one-time commodity requirements.

Delivery Terms Conditions in a contract relating to freight charges, place of delivery, time of delivery or method of transportation.

See Terms of Sale.

Design Specification A type or method of writing a purchase description characterized by detail as to how the product is to be manufactured or work is to be performed. Appropriate for unique product or custom work.

See “Methods of Describing Specifications”.

Direct buy limit As defined in 236-48-003 WAC - Dollar amount pursuant to RCW 43.19.1906(2) below which competition is not required.

See Direct Buy Purchases.

Director As defined in 236-48-003 WAC - Except where otherwise specifically noted shall mean the state Purchasing and Material Control Director, who is the assistant director, Office of State Procurement.

See RCW 43.19.190.

Discount An allowance or deduction from a normal or list price extended by a seller to a buyer to make the net price more competitive.

Disadvantaged Business Enterprise (DBE) (formerly known as Disabled for Profit Business (DFP)) A for profit business certified by the OMWBE as owned and controlled by a person that has been:

- 1) Determined by DSHS as developmentally disabled; OR
- 2) Determined by an agency established under Title I of the federal vocational rehabilitation act to be or have been eligible for vocational rehabilitation services; OR
- 3) Determined by the federal social security administration to be or have been eligible for either social security disability insurance or supplemental security income; OR
- 4) Determined by the United States department of veterans affairs to be or have been eligible for vocational rehabilitation services due to service-connected disabilities

See RCW 43.19.525

Disposition Transferring, trade-in, selling, or destroying goods that are excess, surplus or scrap.

Effective Date of Award	The date that performance of the contract shall start
Emergency	As defined in RCW 43.19.200(2) - unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life.
Emergency purchase	<p>A purchase made pursuant to RCW 43.19.200 in which the normal competitive purchasing procedures have been waived by a declaration of emergency issued by the agency director as defined in RCW 43.19.200.</p> <p>See “Emergency Purchases”.</p>
Equal	<p>1) As defined in 236-48-003 WAC – An offer of goods and/or services which meets or exceeds the quality, performance and use of the specifications identified in a competitive solicitation.</p> <p>2) A phrase used to indicate the acceptability of products of similar or superior function, purpose, design and/or performance.</p> <p>See “Brand”</p>
Equipment	Personal property of a durable nature that retains its identity throughout its useful life.
Evaluation Committee	A committee that advises and assist the purchasing activity in evaluation and award.
Exclusions	To omit from consideration.
Exemptions	Free from duty or obligation required by others.
Fair market price	<p>1) As defined in 236-48-003 WAC – The price determined by the purchasing activity to be consistent with current market value for the goods or services being purchased from community rehabilitation programs and eligible programs of the department of social and health services which has been determined pursuant to RCW 43.19.530.</p> <p>2) A price that would induce a willing purchaser or a willing seller to sell in an open market transaction.</p>
Field Order (A17)	A purchase document or order issued by an agency to a vendor in accordance with authority to make a delegated purchase. See Standard Purchasing Forms .
FOB	Acronym for Free on Board. See Terms of Sale .
Formal sealed bid	A bid that has been submitted in a sealed manner, either manually or electronically, to prevent its contents being revealed or known before the deadline for submission of all bids. Required by statute, RCW 43.19.1906 , to enhance competition.
Funded	Funded with dollars, which are: (1) appropriated by the Washington State Legislature and/or (2) allotted by a state agency.

Goods and/or services	As defined in 236-48-003 WAC – Material, supplies, services, and equipment offered for sale by a supplier(s) and required by an agency to accomplish continuing and necessary functions and not otherwise statutorily exempted from chapter 43.19 RCW.
Informality	As defined in 236-48-003 WAC – An immaterial variation from the exact requirements of the competitive solicitation, having no effect or merely a minor or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.
Inspection	An examination of delivered material, supplies, services, and/or equipment prior to acceptance aimed at forming a judgment as to whether such delivered items are what was ordered, were properly delivered and ready for acceptance. Inspection may include a high level visual examination or a more thorough detailed examination as is customary to the type of purchase, as set forth in the solicitation document and/or as agreed between the parties. Inspection shall be acknowledged by an authorized signature of the purchaser.
Invitation for Bid (IFB)	As defined in 236-48-003 WAC – The solicitation document utilized to solicit bids in the formal, sealed bid procedure and all documents attached or incorporated by reference.
Late Bids or Quotations	A bid or proposal received at the place specified in the solicitation after the time designated for all bids or quotations to be received. See 236-48-012 WAC
Lead Time/After Receipt of Order (ARO)	The period of time between when the contractor receives the order and the purchaser receives the materials, supplies, equipment, or services order.
Limited Purchase Authority	Those purchases delegated to a specific agency for one-time commodity requirements. See “ Limited and Specific Purchase ”
OEM	Original Equipment Manufacturer
Office of State Procurement	As defined in 236-48-003 WAC – The division of purchasing of the Department of General Administration in RCW 43.19.180 et seq. The organization within the Washington Department of General Administration authorized under Chapter 43.19 RCW to develop and administer contracts for goods and services on behalf of state agencies, colleges and universities, nonprofit organizations, and local governments. Whenever a purchase or sale is made by the on behalf of another agency, the Office of State Procurement is acting in the capacity of agent for such agency.
Order Document	A written communication, submitted by a Purchaser to the Contractor, which details the specific transactional elements required by the Purchaser within the scope of this Contract such as delivery date, size, color, capacity, etc. An Order Document may include, but is not limited to field orders, purchase orders, work order or other writings as may be designated by the parties hereto. No additional or alternate terms and

conditions on such written communication shall apply unless authorized by this Contract and expressly agreed between the Purchasing Activity and the Contractor.

Procurement Coordinator	The individual responsible for conducting a specific Solicitation.
Prompt payment discount	As defined in 236-48-003 WAC – A discount offered by the bidder to encourage timely payment by purchaser within the stated term identified by bidder.
Proposal	As defined in 236-48-003 WAC – An offer to perform a contract to supply goods or services in response to a request for proposal.
Proposer	A person submitting a proposal in response to a Request for Proposals (RFP).
Public Agency	As defined in 236-48-003 WAC – Shall include all agencies outlined under RCW 39.34.020 .
Public Bid Opening	<p>The process of opening bids conducted at the time and place specified in the Invitation for Bids and/or the advertisement and in the presence of anyone who wishes to attend.</p> <p>See “Bid Receipt and Opening”</p>
Purchase	As defined in 236-48-003 WAC – Shall include purchase, lease, renting or lease-purchase of goods and services
Purchase Order (PO)	A required use form to formalize a purchase transaction with a vendor. Acceptance of the purchase order by the vendor constitutes a contract.
Purchased Service	<p>Labor, time or effort provided by an independent contractor not involving the delivery of a specific end product and is usually awarded through competition. Generally, these services meet more routine needs of an agency for general support activities. This term includes, but is not limited to, services acquired under RCW 43.19.190, the authority of the Department of General Administration, Office of State Procurement.</p> <p>See Purchased Service.</p>
Purchaser	The authorized user of a Contract who may or actually does make purchases of material, supplies, services, and/or equipment under the Contract.
Purchasing activity	<p>1) As defined in 236-48-003 WAC – The Office of State Procurement or an agency authorized by statute to conduct acquisition of goods and services or delegated that authority.</p> <p>2) A purchasing unit within an agency that buys for an identifiable program, region, or division.</p>
Purchasing Cooperative	An entity formed to engage in cooperative purchasing .
Quotation	As defined in 236-48-003 WAC – An offer to perform a contract to supply goods and/or services in response to a request for quotation.

Recycled material	<p>As defined in 236-48-003 WAC – Goods containing recycled materials as defined in RCW 43.19.538 et seq. and federal, regional, or guidelines approved by the director.</p> <p>Waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from post-consumer waste, manufacturing waste, industrial scrap, agricultural wastes and other items, all of which can be used in the manufacture of new or recycled products.</p>
Request for Proposal (RFP)	<p>As defined in 236-48-003 WAC – The form utilized to solicit written proposals from potential suppliers. Both cost and non-cost factors are evaluated in addition to conditions of responsiveness and responsibility to achieve best value. A weighted point assignment method of evaluation may be used if considered appropriate.</p> <p>The specifications and qualification requirements are written in an outcome based form allowing for consideration of a broad range of different solutions to meet the procurement need.</p>
Request for Quotation (RFQ)	<p>1) As defined in 236-48-003 WAC – The form used to solicit written quotations in accordance with RCW 43.19.1906(2). The request and the quote in response may be either written or oral as specified by the purchasing activity. Factors impacting cost and conditions of responsiveness and responsibility are normally evaluated. Non-cost factors may be evaluated and all factors may be weighted if considered appropriate.</p> <p>2) The required use form generally used for seeking competition on smaller purchases or on purchases lower than the amount that requires competitive sealed bidding.</p>
Requisition (Form A15-A)	<p>1) As defined in 236-48-003 WAC – A standard state form which serves as a procurement request and which requests the Office of State Procurement to purchase stated requirements.</p> <p>2) Used by state agencies when goods or services are not available on a state contract.</p>
Responsible bidder	<p>The ability, capacity, and skill to perform a Contract or provide the service required , including, but not limited to the character, integrity, reputation, judgment, experience, and efficiency of the bidder; Further considerations may include, but are not limited to whether the bidder can perform the contract within the time specified, the quality of performance of previous contracts or services, the previous and existing compliance by the bidder with laws relating to the contract or services and such other information as may be secured having a bearing on the decision to award the contract A person who has the capability in all respects to perform in full the contract requirements and meets the elements of responsibility as defined in RCW 43.19.1911(9).</p>
Responsive bidder	<p>A person whose bid conforms in all material respects to the terms and conditions, the specifications, and other requirements of a solicitation.</p>
Revised Code of Washington (RCW)	<p>Permanent laws of the State of Washington in force</p>
Sealed bid limit	<p>As defined in 236-48-003 WAC – That dollar amount established by RCW 43.19.1906(2) or subsequently amended by the Office of Financial Management due to inflationary trends above which the formal sealed bid procedure will be used.</p>

Segmenting	<p>The segmenting of a requirement or project into parts to avoid dollar limitations or competition is prohibited. The parts of an acquisition are those items which would normally be acquired together to accomplish a task or project.</p> <p>See “Segmenting”</p>
Single Source Purchase	<p>As defined in 236-48-003 WAC – A purchase of goods or services which is clearly and legitimately limited to a single source of supply.</p> <p>See “Sole Source”.</p>
Sole Source	<p>Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.</p> <p>See “Sole Source”</p>
Solicitation	<p>As defined in 236-48-003 WAC – The process of notifying prospective bidders or offerors that the purchasing activity desires to receive competitive bids, quotes or proposals for furnishing goods or services. Also includes reference to the actual document used in that process.</p>
Special Market Condition	<p>Same as Single Source Purchase</p>
Specific Purchase Authority	<p>Those purchases delegated to specific agencies for continuing individual commodity requirements.</p> <p>See “Limited and Specific Purchase”</p>
Specifications	<p>As defined in 236-48-003 WAC – The explicit requirements furnished with a competitive solicitation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the goods and/or services to be purchased or sold so as to enable the bidder or supplier to determine and understand requirements of the purchaser. Specifications may be in the form of a description of the physical or performance characteristics, a reference brand or both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.</p>
Splitting	<p>The splitting of continuing/repetitive requirements for the same good or service into several purchases to avoid dollar limitations or competition.</p> <p>See “Segmenting”</p>
Standard Purchasing Forms	<p>Forms and templates developed by the Office of State Procurement for agency use. Forms may be optional use or required use.</p>
State	<p>The State of Washington acting by and through the Purchasing Activity.</p>
State Procurement	<p>As defined in 236-48-003 WAC – An employee of the Office of State Procurement</p>

Officer (SPO)	designated as a state procurement officer, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel.
State Contract	<p>The written document memorializing the agreement between the successful Bidder and the Purchasing Activity for materials, supplies, services, and/or equipment administered by the Office of State Procurement on behalf of the State of Washington. “State Contract” does not include the following:</p> <ul style="list-style-type: none"> • Colleges and universities that choose to purchase under RCW 28B.10.029 • Purchases made in accordance with LOWEST COST PURCHASE AUTHORITY/BEST BUY of a State Contract; • Purchases made pursuant to authority granted or delegated under RCW 43.19.190(2) or (3); • Purchases authorized as an emergency purchase under RCW 43.19.200(2); or • Purchases made pursuant to other statutes granting an Agency authority to independently conduct purchases of materials, supplies, services, or equipment. <p>Delegated purchase authority cannot be used when the same item or functionally equivalent item is available through a state contract.</p>
Statutory Authority	Purchase authority designated by statute.
Subcontractor	A person or business that is, or will be, providing or performing an essential aspect of a contract under the direction and responsibility of the Contractor and with the agreement of the Purchasing Activity .
Supplier	As defined in 236-48-003 WAC – A vendor of purchased goods and services. See Contractor .
Unlimited Purchase Authority	Purchase authority that is delegated without a dollar limitation. All other requirements of the WPM must be met.
Used equipment	As defined in 236-48-003 WAC – Goods offered for sale to the state which do not have a full factory warranty and which are not being rented, leased, or otherwise in the actual possession of the state agency considering the purchase at the time of the purchase transaction.
Vehicle	A device, as a motor vehicle, boat, airplane or a piece of mechanized equipment, for transporting passengers, goods, or apparatus.
Vendor	A provider of materials, supplies, services, and/or equipment. See Supplier . See Contractor .
Vendor in Good Standing (VIGS)	<p>A CRP or a DFPDBE as defined above that :</p> <ol style="list-style-type: none"> 1) Is certified by the Governor’s Committee on Disability Issues and Employment; AND 2) Has not been in material breach of any contract in the previous 36 months <p>See RCW 43.19.525</p>

Vendor Registry	<p>1) As defined in 236-48-003 WAC – List of potential bidders maintained by the Office of State Procurement or purchasing activity from which names may be drawn for solicitation of bids, quotes or proposals.</p> <p>See RCW 43.19.1908.</p> <p>2) A database maintained by the OSP of suppliers, professional consultants and contractors offering goods and services to the state. The Vendor Registry is a component of the Washington’s Electronic Business Solution.</p>
Washington Administrative Code (WAC)	Regulations of executive branch agencies are issued by authority of statutes. Like legislation and the Constitution, regulations are a source of primary law in Washington State. The WAC codifies the regulations and arranges them by subject or agency.
Washington’s Electronic Business Solution (WEBS)	An online system providing vendor registration and notification activities. These activities include electronic request for quotations, invitation for bids, requests for proposals, purchase orders, contracts, invoices or other electronic procurement information, instruments and notices electronically transmitted, received, or posted using WEBS in lieu of or in addition to creating one or more paper documents.
World Trade Organization	The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. The goal of the WTO is to help producers of goods and services, exporters, and importers conduct their business.

4. Laws and Rules

4.1. *Chapter 43.19 RCW, Department of General Administration* SECTIONS

RCW [43.19.010](#)

Director -- Authority, appointment, salary.

RCW [43.19.011](#)

Director -- Powers and duties.

RCW [43.19.015](#)

Certain powers and duties of director of public institutions transferred to director of financial institutions.

RCW [43.19.025](#)

General administration services account.

RCW [43.19.123](#)

Powers, duties, and functions pertaining to energy efficiency in public buildings -- Transfer from state energy office -- References to director or state energy office.

RCW [43.19.125](#)

Powers and duties -- Division of capitol buildings.

RCW [43.19.180](#)

State purchasing and material control director -- Appointment -- Personnel.

RCW [43.19.185](#)

State purchasing and material control director -- System for the use of credit cards or similar devices to be developed -- Rules.

RCW [43.19.190](#)

State purchasing and material control director -- Powers and duties.

RCW [43.19.1901](#)

"Purchase" includes leasing or renting -- Electronic data processing equipment excepted.

RCW [43.19.1905](#)

Statewide policy for purchasing and material control -- Establishment -- Functions covered.

RCW [43.19.19052](#)

Initial purchasing and material control policy -- Legislative intent -- Agency cooperation.

RCW [43.19.19054](#)

Exemptions from statewide policy for purchasing and material control.

RCW [43.19.1906](#)

Competitive bids -- Sealed bids, exceptions.

RCW [43.19.1908](#)

Bids -- Solicitation, notices -- Qualified bidders -- Writing.

RCW [43.19.1911](#)

Competitive bids -- Notice of modification or cancellation -- Cancellation requirements--Lowest responsible bidder -- Preferential purchase -- Life cycle costing.

RCW [43.19.1913](#)

Rejection of bid for previous unsatisfactory performance.

RCW [43.19.1914](#)

Low bidder claiming error -- Prohibition on later bid for same project.

RCW [43.19.1915](#)

Bidder's bond -- Annual bid bond.

RCW [43.19.1917](#)

Records of equipment owned by state -- Inspection -- "state equipment" defined.

RCW [43.19.1919](#)

Surplus personal property -- Sale, exchange -- Exceptions and limitations.

RCW [43.19.19190](#)

Surplus property -- Exemption for original or historic state capitol furnishings.

RCW [43.19.19191](#)

Surplus computers and computer-related equipment -- Donation to school districts or educational service districts.

RCW [43.19.1920](#)

Surplus personal property -- Donation to emergency shelters.

RCW [43.19.1932](#)

Correctional industries goods and services -- Sales and purchases.

RCW [43.19.1937](#)

Acceptance of benefits, gifts, etc., prohibited -- Penalties.

RCW [43.19.1939](#)

Unlawful to offer, give, accept benefits as inducement for or to refrain from bidding -- Penalty.

RCW [43.19.200](#)

Duty of others in relation to purchases -- Emergency purchases -- Written notifications.

RCW [43.19.455](#)

Purchase of works of art -- Procedure.

RCW [43.19.520](#)

Purchase of products and services from sheltered workshops and programs -- Intent.

RCW [43.19.525](#)

Purchase of products and services from sheltered workshops and programs -- Definitions.

RCW [43.19.530](#)

Purchase of products and services from sheltered workshops and programs -- Authorized -- Fair market price.

RCW [43.19.534](#)

Purchase of articles or products from inmate work programs -- Replacement of goods and services obtained from outside the state -- Rules.

RCW [43.19.535](#)

Purchase of goods and services from inmate work programs.

RCW [43.19.536](#)

Contracts subject to requirements established under office of minority and women's business enterprises.

RCW [43.19.538](#)

Purchase of products containing recycled material -- Preference -- Specifications and rules -- Review.

RCW [43.19.637](#)

Clean-fuel vehicles -- Purchasing requirements.

RCW [43.19.663](#)

Clean technologies -- Purchase.

RCW [43.19.700](#)

In-state preference clauses -- Finding -- Intent.

RCW [43.19.702](#)

List of statutes and regulations of each state on state purchasing which grant preference to in-state vendors.

RCW [43.19.704](#)

Rules for reciprocity in bidding.

RCW [43.19.706](#)

Purchase of Washington agricultural products -- Report to the legislature.

4.2. *Chapter 43.19A RCW, Recycled Product Procurement*

SECTIONS

RCW [43.19A.005](#)

Purpose.

RCW [43.19A.010](#)

Definitions.

RCW [43.19A.020](#)

Recycled product purchasing -- Federal product standards.

RCW [43.19A.030](#)

Local government duties.

RCW [43.19A.040](#)

Local government adoption of preferential purchase policy optional.

RCW [43.19A.050](#)

Strategy for state agency procurement.

RCW [43.19A.060](#)

Data base of products and vendors.

RCW [43.19A.070](#)

Education program -- Product substitution list -- Model procurement guidelines.

RCW [43.19A.080](#)

Bid notification to state recycled content requirements.

RCW [43.19A.110](#)

Local road projects -- Compost products.

4.3. ***236-48 WAC, Office of State Procurement*** **SECTIONS**

[236-48-002](#)

Purpose.

[236-48-003](#)

Definitions.

[236-48-011](#)

Public notice.

[236-48-012](#)

Receipt of bids, quotes or proposals.

[236-48-013](#)

Amendment of invitation for bid, request for quotation or request for proposal.

[236-48-021](#)

Supplier lists.

[236-48-024](#)

Removal or suspension.

[236-48-025](#)

Appeal, reapplication or reinstatement.

[236-48-035](#)

Bid guarantee.

[236-48-036](#)

Performance guarantees.

[236-48-071](#)

Form of bid, quote or proposal.

[236-48-079](#)

Standard specifications.

[236-48-083](#)

Acceptance of alternate bid, quote or proposal.

[236-48-085](#)

In-state preference bids.

[236-48-094](#)

Partial award.

[236-48-096](#)

Bid award preference.

[236-48-098](#)

Rejection.

[236-48-099](#)

Acceptance of terms.

[236-48-111](#)

Handling of bids and proposals if publicly opened.

[236-48-121](#)

Mistakes in bid(s) or proposals detected prior to opening.

[236-48-122](#)

Mistakes in bid(s) or proposals detected during or after bid opening.

[236-48-123](#)

Disclosure of information.

[236-48-124](#)

Informalities in bids, quotes, or proposals.

[236-48-132](#)

Notice of cancellation or rejection of bids.

[236-48-141](#)

Protests and appeals -- Form and substance.

[236-48-142](#)

Office of state procurement protest procedure prior to award.

[236-48-143](#)

Office of state procurement protest procedure after award.

[236-48-152](#)

Offset against contractor payments.

[236-48-153](#)

Delivery date.

[236-48-165](#)

Change in product offered.

[236-48-166](#)

Contract extension.

[236-48-167](#)

Additions or deletions to contract or purchase order.

[236-48-190](#)

Surplus property disposal priorities.

[236-48-1901](#)

Surplus property -- Exceptions to disposal priorities.

[236-48-1902](#)

Surplus property -- Intent of state surplus priorities.

[236-48-191](#)

Surplus property auction.

[236-48-192](#)

Sealed bid -- Surplus property.

[236-48-193](#)

Negotiation -- Surplus property.

[236-48-194](#)

Guarantee of quality, etc., state responsibility for -- Surplus property.

[236-48-195](#)

Weight merchandise -- Surplus property.

[236-48-196](#)

Removal -- Surplus property.

[236-48-197](#)

Withdrawal from sale or rejection of bids -- Surplus property.

[236-48-198](#)

Sale of surplus property to state elected officials or employees.

[236-48-230](#)

Leases.

[236-48-250](#)

Use of credit, charge cards or purchasing cards.

[236-48-251](#)

Distribution of credit, charge cards or purchasing cards.

[236-48-252](#)

Credit limits.

[236-48-253](#)

Payment of credit or purchasing card bills.

4.4. ***236-49 WAC, Relationship and Procedures between Division of Purchasing and state Agencies***

SECTIONS

[236-49-001](#)

Purpose.

[236-49-010](#)

Definitions.

[236-49-020](#)

Washington State purchasing structure.

[236-49-055](#)

Preference for correctional industries Class II products.

[236-49-060](#)

State purchasing cooperative.

5. Principles of Purchasing

The state of Washington's purchasing requirements and strategies are based on the following four fundamental principles:

5.1. *Ethical Behavior and Conduct*

The objectives of ethical behavior and conduct are to insure that in its procurement activities, the state will:

- Behave with impartiality, fairness, independence, openness, integrity and professionalism in its dealings with suppliers;
- Advance the interests of the state in all transactions with suppliers;
- Insure that its purchasing personnel attain the highest level of credibility with suppliers.

The pursuit of ethical behavior and conduct necessarily requires:

- That appropriate training is provided to all purchasing personnel aimed at heightening their understanding of what constitutes accountability, ethical behavior and conduct.

5.2. *Open and effective competition*

The objectives of open and effective competition are:

- To instill confidence in the state and the public about the integrity and cost effectiveness of public sector procurement;
- To maximize the most economically beneficial outcome for the state;

- To ensure that all suppliers wishing to conduct business with the state are given a reasonable opportunity to do so; and
- To ensure that bid documents and contracts reflect the requirements and desired outcome of the state and that all participants are subject to equivalent terms, conditions and requirements.

Open and Effective Competition means:

- Procurement procedures and processes are visible to the state, suppliers, and the public;
- All purchasing personnel accepting their accountability to the state;
- Suppliers have a real opportunity to do business with the state;
- Competition is sought to provide value for money,
- Both the state and suppliers are required to comply with this document; and
- Delegations, authorizations and associated financial thresholds are appropriate for the level of judgment and expertise expected of purchasing personnel.

5.3. *Enhancing the Socio-Economic Goals of the State*

The objectives of enhancing the socio-economic goals of the state, based on the considerable procurement power of the state are:

- To enhance the opportunity for suppliers and producers of Washington agriculture products to be considered for business;
- To substantially increase the procurement of recycled content products by state governmental agencies, and provide a model to encourage a comparable commitment by Washington State citizens and businesses in their purchasing practices;
- To support Correctional Industries in lowering the costs associated with operating the state's criminal justice system and breaking the cycle of recidivism through the purchase of goods and services from inmate work programs;
- To enhance and maximize employment and career advancement opportunities for disadvantaged persons and persons with disabilities and increase the number employed and their wages by encouraging state agencies to purchase products and/or services manufactured or provided by Washington State Certified Community Rehabilitation Programs;
- To discourage barriers to opportunities for Washington based businesses desiring to do business with other states;
- To support a diverse supplier pool, including small, minority, and women-owned firms, and encourage their participation in state business;
- To promote the procurement of products and services in support of the Governor's [Executive Order 05-01](#) Sustainable Practices by State Agencies
- To reduce the amount of mercury utilized in its operations, and to eliminate the purchase of products that contain added mercury whenever economically feasible alternatives exist.
- To reduce energy and water consumption and reduce pollution through purchasing products that meet minimum efficiency performance levels

5.4. ***Value for money***

The objectives of obtaining value for money are:

- To achieve the best possible return from state spend on goods and services; and
- To recognize that this may not necessarily amount to purchasing at the lowest price.

The Value for Money principle embraces:

- The "total costs of ownership" or "whole-of-the-life-costs" perspective;
- The fitness for purpose of the goods or services;
- Timely delivery;
- Proper planning and scope of procurements; and
- Considering all relevant price and non-price factors before a final procurement decision is made.

6. **Applying the Principles of Purchasing**

This part contains requirements that agencies must follow when applying Washington's Principles of Purchasing.

6.1. ***Methods of Acquisition***

There are a variety of methods available to agencies to acquire goods and services. This part discusses the various methods of acquisition, when to use, and the requirements.

When you are required to conduct a competitive procurement process you must use one of the following methods:

- [Request for Quote](#)
- [Competitive Sealed Bidding](#)

Under certain circumstances competition is not required or has already been conducted by someone else in compliance with the *Washington Purchasing Manual*.

You do not need to conduct a competitive procurement process for the following; however, there are other acquisition specific requirements that must be met:

- [State Contract](#)
- [Central Stores Purchases](#)
- [Direct Buy Purchases](#)
- [Purchases Listed as Exempt from Competition](#)
- [Cooperative Purchase](#)
- [Sole Source Purchases](#)
- [Used Equipment](#)
- [Community Rehab Program Purchases](#)
- [Emergency](#)
- [Federal Program Purchase](#)

- [State Surplus Purchases](#)
- [Correctional Industries](#)

6.1.a. REQUEST FOR QUOTE

Purchases between \$3,500 and up to \$49,000 (before trade-in allowance, sales tax and freight charges) are to be competitively solicited and documented.

Forms Required:

- [Request for Quote](#) (if written)
- [Record of Competition](#)
- Terms and Conditions (Agencies may elect to use the [Competitive Procurement Standards \(CPS\)](#)).

Process Requirements:

- A minimum of three quotations shall be sought and vendors shall be notified using [WEBS](#). If fewer than three sources are solicited, the reasons are to be explained in writing and included in the purchase file. See section [Public Notice](#) for additional information;
- The quote in response may be either written and/or oral as specified by the purchasing activity;
- A minimum of one certified minority-owned business and one certified woman-owned business shall be invited to quote. See [Minority and Women's Business Participation](#). See [GA Vendor Registry](#);
- A minimum of one available registered Vendor in Good Standing ([VIGS](#)) shall be invited to quote. See [Expanding Opportunities for People with Disabilities](#). See [GA Vendor Registry](#).
- Quotations must be received by close of the normal business day on the stated due date;
- [Late quotations](#) will not be considered or returned;
- The requirements may be changed or amended, provided the change is issued prior to the opening date and time specified;
- Oral interpretations of contract terms and conditions by the purchaser shall not be binding.
- Awarded to the lowest responsive and responsible quote. See [Responsibility Factors](#).
- Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

Preparation of a [Request for Quote](#) (RFQ)

Deciding whether Oral or Written Solicitation is Appropriate

Oral solicitation, generally by telephone, is sufficient for many purchases up to \$49,000. It reduces administrative lead-time and paperwork. There are times, however, when a

written solicitation using email, fax or postal mail should be used. Written solicitations are appropriate in situations such as the following:

- Email or postal mail is the most effective means of connecting with potential bidders.
- The specification or statement of work is too involved to be adequately communicated by telephone. If the description of the need is lengthy or complicated, a written solicitation should be the rule.
- A large number of different items are included in a single acquisition. You would find it difficult to communicate orally what you want. In addition, the possibility of a misunderstanding would increase if all your communications were oral.
- Obtaining oral quotations is otherwise not efficient. It may be less time consuming, for example, to send out copies of a written solicitation rather than place phone calls when more than three vendors are solicited.
- The fact that the pricing is expected to be less than \$49,000 does not preclude the use of a sealed bid process. The use of sealed bid process may be appropriate, for example when a strict arms length perception is needed or the terms and requirements of the bidders are sophisticated and proposals/alternatives will be considered.

The RFQ should be used whenever you want to obtain written quotations. The RFQ contains (as attachments or incorporated by reference) the provisions and clauses applicable to the particular purchase. Inclusion of these provisions in the solicitation (and later, in the purchase order by reference) is intended to insure that potential suppliers understand that the state's terms and not a supplier's commercial contract will govern any resultant purchase order.

The following elements should, at a minimum, be included in an RFQ:

- Administrative information: requisition number; name, address (including room number), and phone number of purchasing office, and any special shipping instructions.
- Standard terms and conditions of the contract.
- Any special terms and conditions.
- The purchase description.
- [Specifications](#) covering the item or items needed.
- Criteria for [evaluating](#) the quotes received. The RFQ is to indicate whether the "lowest responsive bid" will be computed by (1) line item; (2) groups of items, (3) the entire bid; or (4) if it otherwise allows the purchaser the discretion to make that determination independently.
- Required delivery date or schedule and [terms of sale](#).
- Destination (street address and room number to which delivery will be made).
- Quantity and unit (for supplies or equipment). If variances in unit are permitted, say so. Indicate whether the "lowest responsive quote" will be computed by (1) line item; (2) groups of items, (3) the entire bid; or (4) if it otherwise allows the purchaser the discretion to make that determination independently.

- Any requirement for descriptive literature or samples.

6.1.b. COMPETITIVE SEALED BIDDING

The law requires a formal, competitive process such as [Invitation for Bids](#), [Requests for Proposals](#) and other formal competition processes for purchases of more than \$49,000. See [Bid](#).

- Forms Required:
 - Contract Bid Document
 - Terms and Conditions (Agencies may elect to use the [Competitive Procurement Standards \(CPS\)](#)).

Statutory requirements:

- All bids shall be in writing
- [Public Notice](#) shall be provided using [WEBS](#).
- Notice sent to bidders on the appropriate [supplier list](#)
- Available Vendors in Good Standing ([VIGS](#)) shall be notified. See [Expanding Opportunities for People with Disabilities](#).
- Bids must be recorded and publicly opened. See [Bid](#).
- Awarded to the lowest responsive bid. See [Responsibility Factors](#)
- Bid cancellations must meet certain criteria. See [Re-Bid or Cancel](#)
- Negotiations are allowed with the lowest responsive bidder and mandatory if a bid has been received from a responsible registered Vendor in Good Standing (VIGS) that is not the lowest responsible bidder. See [Negotiations](#)
- Certain statutory preferences must be applied. See [Price or Cost](#)
- Bids must be received by the stated due date. [Late Bids](#) will not be considered or returned.
- The requirements may be changed or amended, provided the change is issued prior to the opening date and time specified. See [Bid](#)
- Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

Preparation of an IFB/RFP

In the competitive sealed method of selecting a contractor, the essential elements for award are:

- The [responsibility](#) of the bidder
- The [responsiveness](#) of the bid, that is, its unequivocal commitment to the requirements of the solicitation
- The lowest priced bid that meets the [evaluation](#) criteria set forth in the solicitation

At a minimum the IFB/RFP should contain:

- The purchase description
- [Specifications](#) covering the item or items needed
- Terms and conditions of the contract. See [CPS](#)
- Special terms and conditions

- General and special instructions to bidders. See [CPS](#)
- Cost and non- cost criteria for [evaluating](#) the bids received.
- Whether the “lowest responsive bid” will be computed by (1) line item; (2) groups of items, (3) the entire bid; or (4) if it otherwise allows the purchaser the discretion to make that determination independently.
- Price sheets for the vendors to submit prices.
- Offer and acceptance sheet for the vendor to sign its bid

6.1.c. STATE CONTRACTS

OSP competitively bids and establishes contracts for use by state agencies. Agencies are required to use [state contracts](#) unless any one of the following occurs:

- A valid purchase has been made under the [Best Buy](#) program
- The minimum order quantity specified in the contract exceeds the agency’s needs
- The contractor cannot deliver required goods or services in time to meet agency needs. Agencies must ensure, however, that they plan in advance to enable the contractor to meet their needs. Delays resulting in last minute purchases from alternative sources will result in audit exceptions and could subject the agency to potential litigation.
- The contract specifically limits purchases to certain agencies
- The contract specifically grants an agency authority to use the contract at their discretion

A [state contract](#) is available to find goods and services available through State Contracts.

6.1.d. PURCHASES FROM CENTRAL STORES

[Central Stores](#) makes purchases that leverage quantities and commodity groupings of similar items to obtain the lowest possible costs, and warehouses and distributes those supplies, as customer demand requires. Smaller customers benefit from the effects of volume purchases and larger customers can benefit from quantity discounts. An online catalogue, ordering procedures, shipping and billing information as well as procedures outlining return of goods or return of damaged or defective merchandise can be found at the [Central Stores](#) website.

Orders may be placed via voice phone, over fax at 360-753-4839 or 800-486-8253 or via our Web site. For those placing orders, customer service is available at 360-902-7410 or 800-503-9898 or at csmail@ga.wa.gov. Customers may print a copy of the on-line catalog by following the instructions in the catalog.

6.1.e. DIRECT BUY

When a [state contract](#) does not exist, the agency has [delegated purchase authority](#), and the purchase is [not prohibited](#), agencies may make purchases under \$3,500, *excluding sales tax and freight*, without soliciting competition. The decision to not compete may be made based upon the purchaser’s experience and knowledge of the market to provide the required quality at the lowest cost. Documentation to support purchase decisions, including price competitiveness, must be included in the purchase file where appropriate. Regardless of direct buy threshold, agencies must seek competition if they have reason to believe that pricing quoted is not competitive with market rates or previous purchase costs. See Recommended [Best Practice Why Compete](#).

When conducting purchases under Direct Buy provisions, agencies are encouraged to buy from locally owned small businesses to the extent that such acquisitions are cost effective.

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.f. COOPERATIVE PURCHASING

Cooperative purchasing (sometimes known as “piggybacking”) is the combining of the requirements of two or more government agencies or non-profits to obtain advantages of volume purchases, reduction in administrative expenses or other public benefits. A purchasing cooperative is set up by a lead government agency for use by government agencies. Agencies then participate in cooperative purchasing through inter-local agreements.

Cooperative purchasing reduces administrative costs. It also encourages the sharing of information and expertise in specific commodity and service areas, resulting in solicitations that are more attractive to vendors.

The decision to lead or participate in cooperative purchasing requires a substantial review to insure the entire process complies procedurally and substantively with applicable laws and regulations including chapters [43.19 RCW](#), [39.34 RCW](#) (The Inter-local Agreement Act) and chapter [42.52 RCW](#) (The Ethics in Public Service Act).

- Agencies may only participate in cooperative purchasing with prior review and approval of OSP. Contact the Office of State Procurement Policy and Protest Manager for additional information.
- The following purchasing cooperatives and their related contracts have undergone review and are approved for use by all state agencies:
 - [Western States Contracting Alliance \(WSCA\)](#)

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.g. SOLE SOURCE ACQUISITION

A "Sole Source" purchase means that only one supplier (source), to the best of the requester's knowledge and belief, based upon thorough research, is capable of delivering the required product. There are instances where products are truly "sole-source", but they are few and far between.

Similar types of products may exist, but only one supplier, for reasons of expertise, and/or standardization, quality, compatibility with existing equipment, specifications, or availability, is the only source that is acceptable to meet a specific need. See [Specifications](#) and [Sole Source](#).

The fair and open opportunity to compete is a preeminent consideration before all others. You must clearly and convincingly demonstrate that a true sole source situation exists. If you determine that an acquisition is sole source - you must document the file and be prepared to attest to the facts behind such a determination in the event of an audit, protest, public inquiry, litigation, or similar circumstance.

If considering a sole source, you should weigh two risks. The first is conducting a sole source purchase when in fact a competitive situation exists. If the product is declared a sole source product, the agency runs the risk of having a supplier, at a later date, inform them that like-products are available. The second risk is conducting a competitive procurement when in fact a sole source situation exists. The first is the greater risk but both should be addressed. You must perform and document the due diligence required to gain the knowledge that minimizes or eliminates either of these risks. You should exercise greater than normal care that all eligible bidders receive a fair and open chance to compete for the agency's business. When that process is impaired or short-circuited, the agency suffers the risks of not receiving the best value, of supplier protests, of unfavorable press and public opinion, and possibly of hostile litigation.

Generally, sole source purchases occur when the procurement of a product can be made only from a "single source" of supply because:

- Market conditions exist that limit availability to one source or,
- The products are unique and possess specific characteristics or,
- The procurement of a particular brand name or product is required.

Justification Requirements

Sole source acquisitions must be fully justified and documented to include at a minimum:

- Market survey discussion

The "market survey" refers to efforts to determine whether other qualified sources capable of satisfying the state requirement exist. This testing of the marketplace may range from written or telephone contacts with knowledgeable experts regarding similar or duplicate requirements, and the results of any market test recently undertaken, to the more formal sources-sought announcements in pertinent publications (e.g., technical/scientific journals).

The extent of the survey depends on what constitutes a reasonable effort under the circumstances to ensure that competition is not feasible. If only one source is identified as a result of the market research, this fact may be used to help justify a noncompetitive acquisition. The use of the formal market survey is left to the discretion of the agency. Generally, conduct of a formal market survey should be considered where the requirement is new or complex and the existence of sources in the marketplace is not known.

- **Supporting Documentation**

Each justification must contain sufficient facts and rationale to justify other than full and open competition. Technical and requirements personnel are responsible for providing and certifying as accurate and complete necessary data to support their recommendation for other than full and open competition.

The justification should include much of the same type of information that is included in the following list:

- A description of the supplies or services required meeting the agency's needs.
- A description of the circumstances permitting other than full and open competition.
- A demonstration that the nature of the acquisition or the proposed contractor's unique qualifications is consistent with the circumstances permitting other than full and open competition. If a unique capability is required, the justification should include a description of the way in which the source or the product is uniquely qualified to meet the agency's needs. This description may cite:

1. Facilities or specialized equipment;
2. Patents, data copyrights;
3. Availability of technical data and other information, including drawings and specifications.

- A description of efforts made to ensure that quotations are solicited from as many potential sources as is practicable.
- A determination of the market survey, if conducted, and the results.
- A listing of the sources that expressed an interest in the acquisition during the conduct of a market survey.
- Certification that the justification is accurate and complete to the best of the purchaser's knowledge and belief.

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.h. USED EQUIPMENT, FURNITURE, VEHICLES OR MATERIALS

An agency may purchase used or refurbished equipment, furniture, vehicles or materials from the private sector without competition if the same or similar articles are not

available from more than one source. See [Used Equipment](#). The articles must meet the following conditions:

- Does not have a full factory warranty and,
- Is not rented, leased or in agency's possession

The agency purchase file shall be fully documented with the determination made by the agency as to the market competitiveness of pricing and proposed source selection based upon agency market search. The purchase file must contain:

- A statement as to the price of like goods if purchased new
- Documentation of a physical inspection by the purchaser detailing condition of the item
- Information detailing the item and price along with two independent assessments of market value. Acceptable documentation includes:
 - Guidebook publications,
 - Price guides,
 - Web search appraisals,
 - Appraisals from persons or firms not associated with the seller or purchaser. Appraisals shall indicate whether a physical inspection of the used equipment was conducted and that the price is competitive with the market for comparable equipment. Individuals or firms will normally make the appraisals that are knowledgeable of a particular market, not just knowledgeable of the equipment.
- If a physical inspection is not conducted, appropriate documentation shall be included in the purchase file outlining the basis for determining the market value of the equipment in question.

When requesting OSP to acquire identified used equipment and materials in excess of \$49,000 or used vehicles in excess of \$11,500 agencies must provide:

- [Form A-15A Purchase](#)
- Purchase file documentation

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.i. COMMUNITY REHABILITATION PROGRAMS AND BUSINESSES OWNED AND OPERATED BY PERSONS WITH DISABILITIES

It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by [Community Rehabilitation Programs](#) (CRP) of the department of social and health services which operate facilities

serving the handicapped and disadvantaged and [for profit businesses](#) (DBE) owned and operated by persons with disadvantages.

- Acquisitions made from CRPs or DFPs may be made without competition. Reference RCWs [43.19.530](#) on your purchase order.
- Agencies have unlimited delegated authority for [purchased services](#) acquired through CRPs and DFPs.
- Delegated agency purchases of equipment and supplies from CRPs and DFPs are limited to \$10,000 or less.
- Purchases from CRPs and DFPs shall be at the fair market price of such products and services as determined by OSP. See RCW [43.19.530](#). When an agency decides to purchase directly they must contact GA to determine fair market price:
 - GA will determine fair market price based on the requirements of RCW 43.19.530 and negotiate for the purchase directly with the CRP or DBE
 - GA can delegate authority for state agencies to negotiate with a CRP or a DBE.
 - The fair market price is not negotiable. If the vendor does not accept the fair market price determination, then the agency must seek competition if the good or service is a delegated purchase. If not a delegated purchase, then the acquisition is forwarded to OSP.
 - Contact a [State Procurement Officer](#) for a fair market value determination.

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.j. EMERGENCY PURCHASES

Agencies conducting an [emergency purchase](#) must complete an [Emergency](#). The completed form must be filed with OSP within *three* days of the purchase. These purchases are periodically the subject of audits and/or reviews by the state Auditor, various legislative groups, the media and the general public, and agencies should carefully review before proceeding to ensure that legislative intent has been addressed.

Submit the completed form to:

Mail: Customer Service Desk

Office of State Procurement

PO Box 41017

Olympia WA 98504-1017

Or email to: pcamail@ga.wa.gov

Or fax to: 360-586-2426

6.1.k. PURCHASES VIA FEDERAL PROGRAMS

Agencies may purchase new, excess or surplus property through federal programs administered by GA. Contact the programs to determine if you qualify.

Federal Surplus Personal Property Program - All state and Public Agencies to include School Districts: non-profit organizations that provide services in the following areas, health care, education and homeless/impoverished families and individuals. Visit the [federal property page](#) for more information.

1033 Program--[Law Enforcement Support Program](#) - Transfers excess military assets to state and local Law Enforcement Agencies. For more information, call (253) 333-4900, ext. 228.

[1122 Program--Washington Counter Drug Procurement Program \(WCDPP\)](#) -This program allows Law Enforcement Agencies involved in counter-drug activities, to Purchase (new) equipment through the United Government's General Services Administration (GSA) and Department of Defense Logistics Agency (DLA). Both the GSA and DLA have thousands of items available in their supply inventories. Visit our [1122 Program page](#) for more information.

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.l. SURPLUS EQUIPMENT AND MATERIALS

When purchasing or exchanging used equipment or materials from another state of Washington agency through the Department of General Administration, [Surplus Programs](#) use the authority of RCW [43.19.1919](#).

If you are disposing of surplus property, see [Disposing of State Surplus Property](#).

When purchasing used equipment from other public agencies (e.g. City of Seattle, etc) use the statutory authority outlined under RCW [39.33.010](#).

Agencies may now transfer surplus property of less than \$500 value to another state agency without charging fair market value. RCW [43.19.1919](#) requires state agencies to maintain adequate records of such transactions and comply with inventory procedures and audit requirements for those assets.

Other Requirements

Purchase file shall be documented when equipment, supplies, and other products are purchased that contain added mercury. See [Mercury Reduction](#).

6.1.m. CORRECTIONAL INDUSTRIES

Class II inmate work programs operated by the Department of Corrections provide goods and services for purchase by state agencies. The inmate work programs are businesses owned and operated by the state and known collectively as [Correctional Industries](#).

RCW [72.60.160](#) provides that articles authorized to be produced by CI may be purchased from CI by any state agency and RCW [43.19.534](#) requires state agencies to purchase needed available CI goods through [state contracts](#).

Agencies are required to purchase from CI. There are exemptions, however, the exemptions only apply to goods produced in Washington or services obtained from within Washington. An exemption can be granted when one of the following criteria are met:

- 1) The goods or services do not meet the agencies' reasonable requirements, or
- 2) The goods or services are not of equal or better quality, or

- 3) The goods or services are priced higher than the private sector.

To claim an exemption: Complete and submit to CI an [Exemption from Correctional Industries' State Contract Form](#).

[CI products and services](#) that are not available on state contracts must be acquired through competition in compliance with the *Washington Purchasing Manual*.

6.2. ***Standard Purchasing Forms***

The Office of State Procurement has developed [Standard Purchasing Forms](#) in order to:

- Establish uniform terms and conditions for all purchases of goods and services
- Insure all participants have the same purchasing experience
- Protect the state's rights and interests
- Minimize risk; and
- Familiarize suppliers with contract arrangements.

While many forms are available as a [recommended best practice](#) for agency use, some are required use. Modification of required use forms is prohibited. The following forms are required use where applicable:

- [Certificate of Recycled Material Content](#) - A form used by bidders that have bid goods containing [recycled material content](#) to certify eligibility for statutory [price preferences](#).
- [Record of Competition](#) - A form used during the [Request for Quote](#) process documenting that the agency has solicited responses from multiple firms.
- [WTO Notice of Planned Procurement](#) – A form used to provide annual notice of an agency's forecast of upcoming purchases in accordance with the [World Trade Organization](#) requirements. The format is approved by the Office of the United States Trade Representative for use in statewide publications.
- [WTO Notice of Award](#) – A form used to provide notice of award of purchases made in accordance with the [World Trade Organization](#) requirements.
- [Purchase](#) - A form used by agencies to request the Office of State Procurement to order materials, supplies, and equipment or to request an amendment of a previous requisition. This form is used when an agency does not have [delegated purchase authority](#) to make the purchase or when the item is not available on a [state contract](#).
- [Declaration of Emergency](#) - A form used by agencies for emergency purchases made in response to unforeseen circumstances beyond the control of an agency which present a real, immediate, and extreme threat to the proper performance of essential functions and/or may be reasonably expected to result in excessive loss or damage to property, bodily injury, or loss of life
- [Declaration Conflict of Interest](#) – A form signed by bid evaluation committee members and any technical advisors prior to the receipt of any bids or proposals.
- [Best Buy Report](#) – A form used to report an agency's decision to not use an existing [state contract](#) to purchase an identical or equal item available on that contract.

- [Correctional Industries](#) – A form used to submit a request for an exemption to the requirement to use [state contracts](#) with Correctional Industries.

6.3. *The Bid Process*

The key elements of the bid process are:

- [Bid](#)
- [Publication](#)
- [Bid](#)
- [Bid](#)
- [Bid Evaluation](#)
- [Bid](#)

6.3.a. BID DEVELOPMENT

Specifications

Specifications are to be developed to promote full and unrestricted competition through setting forth actual, minimum requirements. Also see [Recommended Best Practices Specifications](#). Specifications should:

- Be based on need
- Emphasize performance rather than design
- Not call for features not needed for an item's intended use
- Identify the essential characteristics of the item to be purchased
- Not be written by a bidder. See [Standards of Ethics](#)
- When possible provide for commercial, off-the-shelf products
- Avoid unique requirements
- Allow for competitive bids to the maximum extent practicable
- Should be quantifiable rather than qualitative
- Be verifiable
- Not overstate quality

6.3.b. NOTIFICATION & PUBLICATION

Bid Lists

A [bid list](#) is a tool used to identify and notify vendors of purchasing or contracting opportunities. Bid lists are also known as supplier lists or vendor lists.

GA Vendor Registry and Bid Notification

Washington's Electronic Business Solution, or [WEBS](#), is a free Internet vendor registration and bid notification system. A key benefit of WEBS is that it offers a single online portal where vendors can register to automatically receive electronic notification of bid opportunities for commodities of their choosing and government purchasers can expand their reach by posting solicitations on WEBS.

The WEBS vendor registration process also captures demographic information, such as [MWBE](#), [VIGS](#) and CRP status. With this information, agencies are better equipped to comply with and report on the requirement to notify at least one MWBE and at least one available [VIGS](#) of all purchasing opportunities over the Direct Buy limit (currently \$3,500) See [Expanding Opportunities for People with Disabilities](#).

For more information or to register go to <http://www.ga.wa.gov/webs>

Public Notice

Public notices are a declaration of what the state proposes to buy or sell and are a statement of the openness of the public procurement process.

Effective July 26, 2009 and consistent with SSB [5723](#), all state agencies and institutions must at a minimum use a common approach to register and notify vendors of business opportunities with the state of Washington. That common approach has been identified as WEBS. Additionally, competitive solicitations (both formal and informal) must at a minimum be posted on WEBS. Please see the OFM [Quick Reference Guide](#) for informal and formal dollar thresholds.

In accordance with WAC [236-48-012](#) Bidders shall be provided sufficient time to prepare and submit their bid, quote or proposal. Pre Bid Conferences and Site Visits

Pre-bid conferences and site visits are an opportunity for dialogue between the Purchasing Activity, its customers and the Supplier community. Both facilitate the timely exchange of information to enable the Purchasing Activity and Bidders to clarify bidding requirements and specific program needs. Bidder servicing or equipment capabilities, application of industry requirements or standards may be clarified. In addition, any need for changes in specifications or bid requirements may be identified to facilitate a more competitive environment or to better define state needs so that the purchaser obtains the desired materials, equipment or services to meet their program needs.

Pre bid Conferences/Site Visits are most appropriate when:

- Specifications or customer requirements are highly technical or complex in nature. Likelihood of bidders misunderstanding state needs is significant.
- When the potential benefits derived from the conference/site visit outweigh the expenditure of time, cost or resources involved.
- When specifically requested by customer(s) or prospective bidders.
- When an RFP process will be used or the award will be based upon multiple weighted factors.
- When subcontracting opportunities for MWBE firms are likely. When goods or services have not previously been contracted for or where the vendor community is unfamiliar with the state's unique requirements.
- When for other reasons, a determination has been made that such action is in the state's best interests

6.3.c. BID AMENDMENTS

Amending a Bid

If, after issuance of a bid, changes must be made in quantity, specifications, delivery schedule, or closing date, or if corrections are needed because of defects or ambiguities, an amendment to the bid should be issued. The amendment should be in writing. You will need to consider the time set for receipt of quotations and the necessity or desirability of extending the closing date. You may inform offerors of such extensions by telephone and then send confirmation by post or electronically. All firms to whom the original bid was sent must be notified of all changes and time extensions.

Oral solicitations may be amended orally. You must bear in mind that any information given to one prospective contractor which is different from that given to other offerors should be the subject of an amendment distributed to all quoters whenever: (1) the information is necessary for submitting quotations or (2) lack of the information might work to the detriment of uninformed quoters.

6.3.d. BID RECEIPT AND OPENING

Bids are to be received at the time and date and at the location specified in the bid document.

Time and Date Stamped

Upon receipt, un-opened bids are to be time and date stamped to validate the time of receipt. Late bids shall not be considered and will be returned un-opened to the bidder.

Signed

In general, bids or quotes which are lacking an appropriate signature on the Offer and Award form will be rejected per [236-48-071 WAC](#). However, purchasing personnel may consider bids or quotes which include satisfactory evidence of the bidder's desire to be bound by state terms and conditions specified in the bid/quote document such as in the form of a signed cover letter stating bidder intent. The Offer and Award form need not include an original signature to be considered responsive. A signed copy of the Offer and Award form may be accepted provided it is received before time specified for opening of bids/quotes. Bids/Quotes which are neither signed nor include satisfactory evidence of bidders desire to be bound by terms and conditions shall be rejected by purchasing personnel after review of all documents included in the bid/quote.

Bids which include provisions for digital signatures may be accepted per [236-48-071 WAC](#) provided they otherwise meet bid requirements.

Sealed

Bids which are not received in a sealed envelope by bid opening date/time will be rejected by the agency. This includes all envelopes, which are secured by metal clasp, twist tie string, etc or those, which do not otherwise preclude unauthorized access. Bidders who deliver their bids in an envelope, which is not sealed, may be allowed to correct this deficiency provided they do so before time/date specified for opening of bids.

Bid Disclosure

The requirement for public opening of bids is a statement of openness to reduce the possibilities of collusion and favoritism and to foster public confidence in the procurement system. See [236-48-111 WAC](#). The language of the statutes and rules state that only pertinent information be read at the opening and that the time for complete and full disclosure is after award. The disclosure of pricing is not pertinent information and it is inappropriate to expose pricing at the opening.

Bids and all documents and information about the evaluation of bids and bidders, are confidential until after contract award. See [Disclosing Purchasing Information](#)

Bid Withdrawal

A bidder is permitted to withdraw their bid before the bid opening date/time. Bidders withdrawing their bids may do so by providing a signed letter on their company letterhead requesting to withdraw their bid. The withdrawal request letter must identify the method of return or identify the person authorized to receive the bid. If no method of bid return is identified, the bid shall be destroyed after bid opening.

If the bid is to be returned via US Post or other small package carrier, the bidder must also provide shipping charges. If the bid will be withdrawn in person, the person must provide a business card and ID to validate that they are the person identified in the withdrawal letter. The withdrawal letter must also be initialed "bid withdrawn" by the person identified in the withdrawal letter and filed with the bid documents.

6.3.e. BID EVALUATION

This part provides an in-depth explanation of methods to use and factors to consider in determining if a bid is responsive, arriving at lowest evaluated price and determining whether a vendor is responsible.

Compliance with bid criteria

The bids must be evaluated in exact compliance with stated criteria in order to determine which represents the lowest responsive and responsible bidder. Any criteria, other than price, to be used in evaluating solicitations should be clear and exact and stated in the bid document. They must be stated when requesting bids with sufficient clarity and exactness to inform each bidder of the factors which will be used in evaluating a bid in relation to others. This statement enables bidders to estimate, within reasonable limits, the effect of the application of the evaluation factors to their bid. Factors such as award in the aggregate, estimated quantities, and delivery time when the need is urgent, together with liquidated damages in case of delay and any other circumstances which may cause the award to be made in an "unusual" manner, must be set forth in the request for quotations or invitation for bids.

Responsiveness

The first event that must occur in bid evaluation is determining if the bid is responsive. If a bid is non-responsive then it must be rejected and there is no need to continue the evaluation. Rejected bidders must be notified [236-48-098 WAC](#) and are not to be considered for award.

Responsiveness is compliance with the requirements of the solicitation, including specifications and contractual terms and conditions. It also insures that all bidders respond to a solicitation in a common manner that provides the basis for equal competition. Absolute conformity is not required. Conformity in material respects suffices. This protects the bidders from being denied from the competition for reasons that are inconsequential. See [Responsive Bidder](#) and [Informality](#).

Failure by the bidder to accept the requirements of the bid is grounds for rejection of its bid. Some common instances where bids must be rejected and declared non-responsive are:

- The bidder states that it will not accept an award unless the solicitation terms and conditions are modified or altered.
- The bidder states that it will only accept an award for all line items when the solicitation allows award by line item or aggregate grouping of line items. See [236-48-094 WAC](#).
- The offer and award sheet is not signed and there is no indication such as a cover letter that the bidder is responding. See [236-48-071 WAC](#).
- The bid item does not meet the stated specifications and the bidder has not indicated the item bid is an alternate. See [236-48-083 WAC](#).

There are three factors that come into play in evaluating a responsive bid:

- **Price or Cost** - In many acquisitions, various statutory adjustments to prices may need to be made, singly or in combination. The buyer must often analyze cost factors such as multiple awards, all-or-none qualifications, and transportation charges in determining the lowest evaluated price to the state.
- **Technical** - Acquisitions require technical evaluation to determine which quotes are technically acceptable -i.e., are responsive to the state's specific quality requirements.
- **Responsibility** - A determination must be made that a supplier is *responsible*-- that a review indicates that it has the wherewithal and the commitment necessary to do the job and do it properly.

Price or Cost

Certain preferences and penalties factors must be applied to the bid price during the evaluation process. Not all preference and penalty factors will be applicable for every bid. The factors to consider are:

- Prompt Payment Discount (optional)
- Reciprocity Penalty
- Recycled Material Content

Price adjustments shall be applied using the following formula:

$$\text{Net Price} = \text{Bid price} - \text{qualified discount for prompt payment} + \text{reciprocity penalty} - \text{recycled material content preference}$$

Prompt Payment: A prompt payment discount is a reduction in price on the condition that the state pays the bill within a certain number of days after receipt of a correct invoice or goods, whichever is later. While prompt payment discounts can be a significant source of savings, they should only be considered during evaluation when the purchasing activity has a real ability to take advantage of the discounts after award.

Prompt payment discounts are generally stated as a percentage off the stated price if payment is made within a certain number of days.

Example #1: The notice "2 percent, 20 days" means that, if the invoice is paid within 20 days of the date it is received, the customer may deduct 2 percent from the total.

$\$5000 \text{ (Invoice amt)} \times .02 \text{ (2\%)} = \100 (discount) .

$\$5000 - \$100 = \$4900$

Example #2: Discounts may also be offered on a sliding scale: "2 percent, 20 days; 1 percent, 30 days."

$\$5000 \text{ (Invoice amt)} \times .02 \text{ (2\%)} = \$100 \text{ (discount if paid within 20 days)}$

$\$5000 - \$100 = \$4900$

$\$5000 \text{ (Invoice amt)} \times .01 \text{ (1\%)} = \$50 \text{ (discount if paid from the 21}^{\text{st}} \text{ day to the 30}^{\text{th}} \text{ day within 30 days)}$

\$5000-\$50 = \$4950

When a vendors offers a prompt payment discount:

- Deduct the percentage or dollar amount offered from the bid total.
- If the freight allowance is additional and separate to the offered price, add it in after the prompt payment discount.

Reciprocity Penalty: Pursuant to RCW [43.19.704](#), the Department of General Administration has established a schedule of penalties applicable against firms submitting bids from which grant a preference to their own in- businesses. The penalties apply only to bids received from the listed states.

- Add the appropriate percentage increase to the bid price of responsive bidders from listed in the [Preference Table](#).
- The business address from which the bid was submitted will determine if a penalty is to be applied.
- This action will be used only for evaluation. In no instance shall the increase be paid to a supplier whose bid is accepted
- These penalties shall be applied in Sealed Bid solicitations only.

Recycled Material: Agencies shall ensure that their purchasing staff is aware of their responsibilities to incorporate recycled content product requirements in their solicitations.

Solicitations shall use the United States Environmental Protection Agency (USEPA) recycled content standards listed in the Comprehensive Procurement Guideline (CPG) for all products identified by [RCW 43.19A.020](#). Agencies may adopt USEPA recycled standards for other products not called out in [RCW 43.19A.020](#), if it would significantly increase recycled product availability or competition.

For goods containing recycled materials a bid price preference may apply as described in [RCW 43.19.538](#) and [WAC 236-48-096\(2\)](#).

Agency procurements shall conform to the following:

- Solicitation shall identify the minimum percent content of recycled materials in accordance to the current adopted USEPA standards:
<http://www.epa.gov/epaoswer/non-hw/procure/products.htm>. USEPA product standards shall be used for the following products:
 - Paper and Paper products
 - Organic Recovered material
 - Latex Paint products
 - Recycled Plastics
 - Retread and Remanufactured Tires
 - Lubricating Oils
 - Automotive Batteries
 - Building Products and Materials
 - Panelboard
 - Compost products
- For state purchases, the minimum content of recovered material shall be not less than 15 percent provided that USEPA has adopted recycled purchase

guidelines for the goods. If current USEPA procurement guidelines for a product are below 15 percent, then agency may elect to not require recycled goods in the solicitation.

- Some purchase activities may be exempt from the above mentioned recycled material requirements. In determining an exemption, the agency shall consider but not be limited to such factors as adequate competition, economics or environmental constraints, quality, and availability. If it is determined that the procurement is exempted, then the agency shall document the reason and keep such documentation with the procurement file.
- Recycled material content bid price preference is only required in Formal Sealed Bid solicitations.
- Solicitation shall provide notification of intent to apply a bid price preference for recycled materials and the evaluation method that will be used in applying the bid price preference.
- Agency may issue, consider and award bids without using a recycled bid price preference, if the agency determines that the use of a bid evaluation recycled weighting factor does not encourage the use of more recycled material, and then the agency shall document the reason and keep such documentation with the procurement file. Should the purchasing activity determine that the use of this preference does not encourage the use of more recycled material, then the agency may consider and award bids without the bid price preference.
- Solicitation shall notify Bidders that they must provide with their bid a Certification of Recovered Materials form prepared by the Producer/Manufacturer identifying the post consumer, recycled and recovered or waste material content of the goods bid.
- In considering products bid, products shall otherwise be at least functionally equal to all other specifications and use requirements as identified in the bid solicitation to qualify for the bid price preference.
- The bid price preference for recycled materials shall be separate from and applied after any other preferences allowed by statute.
- Bids with the certified recycled products shall be given a bid preference of 10 percent of the amount of the bid in determining the lowest responsive bid for any item or grouping of items to be awarded to a single Bidder. Agency shall deduct 10 percent from the bid price of lowest responsible bidder(s) that provided certification of meeting or exceeding the USEPA recycled content requirements.
- In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the purchasing activity shall consider the larger post consumer material content as a factor in determining the award.
- The bid preference will only be used for evaluation purposes and not for establishing contract pricing.
- Agency shall ensure that the supplier achieve compliance with USEPA standards where applicable.
- Agencies shall adopt standard bid provisions for use in all bid solicitations, where applicable, the following are suggested clauses:

- **EXEMPTED PROCUREMENTS:** This solicitation or Invitation for Bid has been determined EXEMPT from the provisions of [WAC 236-48-096\(2\)](#) regarding preferences for products with recycled material content for reasons including inadequate competition, economics, environmental constraints, quality or availability.
- **RECYCLED MATERIAL REQUIREMENT:** To be responsive to this bid requirement, products bid shall comply with the most current adopted USEPA guidelines for minimum percentage content of recycled material. In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the Procurement Officer shall consider the larger post consumer material content as a factor in determining award. Product bid must also be at least functionally equivalent to all other bid specifications and use requirements as identified herein. Bidder must provide with bid a Certification of Recovered Materials form completed by the Producer/Manufacturer of bid product(s) (this form is attached to bid).

Commodity (Material): _____

_____ % Recovered material content
 _____ % Post-consumer Waste content
 _____ % Recycle content

- **RECYCLED MATERIALS PREFERENCE:** Bidders are encouraged to offer product(s) with recycled material content. Product bid must also be at least functionally equivalent to all other bid specifications and use requirements as identified herein. Bids offering product(s) containing recycled material as defined herein receive a preference of 10 percent in determining the lowest responsive bid for any item or grouping of items to be awarded to a single bidder in accordance with [WAC 236-48-096](#). In the event of a tie for lowest responsive bid between products otherwise meeting all bid specifications, the Procurement Officer shall consider the larger post consumer material content as a factor in determining award. To qualify for the preference, Bidder must provide with bid a Certification of Recovered Materials form completed by the Producer/Manufacturer of bid product(s) (this form is attached to bid).

Commodity (Material): _____

_____ % Recovered material content
 _____ % Post-consumer Waste content
 _____ % Recycle content

- **CERTIFICATION OF RECOVERED MATERIALS:** Bidder is to provide Certification of Recovered Materials as required by USEPA recycled-

content product standards, to view such requirements go to:
<http://www.epa.gov/epaoswer/non-hw/procure/products.htm>. The Certification of Recovered Materials form is attached to this bid.

- **BIDDER RECYCLED PROCUREMENT EDUCATION STRATEGY:** Awarded Bidder(s) in accordance with [RCW 43.19A](#), shall develop plans to work with and market your products to state customers and educate state agency users in the value, advantages and cost effective use of recycled contract products and services offer on this contract. Develop literature and brochures to explain the recycle material and use of the product, and provide trouble shooting and problem resolution as customers' transition to recycled products.

Other Cost Factors: In addition to price factors such as preferences and penalties there are other cost factors to be considered:

- Transportation Charges
- Price may be determined by life cycle costing or energy efficiency of the product throughout the anticipated life of the product if considered appropriate and indicated in the document.
- Total Acquisition Costs:
In evaluating cost criteria, the purchasing activity may consider factors impacting the total acquisition costs such as warranty servicing, training, equipment upgrades, supplies, expedited service, replacement parts, etc;
- Trade In:
Agencies may trade in state owned equipment of the same commodity or equipment type. Approval to trade in state owned equipment by General Administration is not required. In such transactions, sales tax is paid only on the cost of the new equipment less trade in value per [458-20-247 WAC](#) and [RCW 82.08.010](#).

Technical Factors

- Conformity with [specifications](#)
- Purposes for which goods are required
- Quality of the articles proposed
- Added-mercury content. See [Mercury Reduction](#).

Responsibility Factors

A purchase is made, usually on the basis of lowest evaluated price alone, from the vendor who is found to be responsive and responsible. Therefore, a determination must be made that the vendor is "responsible". In addition to price, the responsibility elements stated in RCW [43.19.1911\(9\)](#) shall be given consideration. They include:

- Adequate financial resources to do the job or the ability to obtain them;
- Ability to comply with the required or proposed delivery date or schedule, taking into account all existing business commitments;
- Satisfactory record of performance (a vendor may generally be determined non-responsible based on *recent* unsatisfactory performance in the *same* or in a *related* area of work);

- Satisfactory record of integrity and business ethics;
- Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedure, property control systems, and quality assurance measures applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors);
- Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and
- Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Decision to Re-bid or Cancel

Please note that there are limited circumstances under which agencies may reject bids and re-bid a formal sealed bid solicitation. See RCW [43.19.1911\(4\)](#). A decision to reject all bids and re-bid a solicitation or cancel a solicitation is appropriate only under the following circumstances:

- Unavailable, inadequate, ambiguous specifications, terms, conditions or requirements were cited in the solicitation;
- Specifications, terms, conditions or requirements have been revised;
- The supplies or services being contracted for are no longer required;
- The solicitation did not provide for consideration of all factors of cost to the agency;
- Bids received indicate that the needs of the agency can be satisfied by less expensive article differing from that for which the bids were invited;
- All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;
- No responsive bid has been received from a responsible bidder, or
- The bid process was not fair or equitable.

If any of the above criteria apply to the solicitation and an award is not consistent with the state's best interests, take one of the following actions as appropriate:

1. Re-bid
 - Document the purchase file with summary narrative fully explaining the decision making process that leads to the decision to re-bid.
 - The narrative must clearly demonstrate that one or more of the statutory criteria are met.
 - Initiate the re-bid process and makes changes to bid document as appropriate.
2. Cancellation of Invitation for Bid
 - The bid may be cancelled if the services or supplies are no longer needed
 - Document the purchase file with summary narrative fully explaining the decision making process that leads to the decision to cancel the procurement

- The narrative must clearly demonstrate that one or more of the statutory criteria are met.

Negotiation

After bids have been received and prior to award, negotiations can occur during the bidding process under the following circumstances:

- All bids have not been rejected in accordance with RCW [43.19.1911\(4\)](#), **and**
- At the agency's discretion solely with the lowest responsible bidder when available information reveals that the best pricing and terms may not have been achieved via the competitive process and the negotiation process is the most viable option AND a bid has not been received from a responsible [registered](#) vendor in good standing ([VIGS](#)), **or**
- As required by RCW [43.19.1911\(6\)](#), when a bid has been received from a responsible registered VIGS that is not the lowest responsible bidder, negotiations will occur concurrently with the lowest responsible bidder and the lowest VIGS.

Negotiations solely with the lowest responsible bidder

When a bid has not been received from a VIGS and you are negotiating with the lowest responsible bidder to improve their bid, the following areas may be considered for improvement:

- Pricing
- Delivery or scheduling
- Payment Terms
- MWBE Participation
- Other provisions

Agencies must exercise caution to insure that negotiations do not provide an unfair advantage over other bidders to the lowest responsible bidder. Negotiations may not be held with a bidder that has been determined to be non-responsive. The bid information of other bidders is confidential until award and may not be revealed during negotiations.

Additional areas have been identified that if altered during negotiations would provide a substantial unfair advantage to the lowest responsible bidder and are not open to negotiation. These include:

- Scope of work
- Bid specifications,
- Terms and Conditions
- Other bid requirements

A re-bid may be initiated if negotiation results fail to achieve reasonable pricing. See RCW [43.19.1911\(4\)\(f\)](#).

Negotiations when a bid has been received from a responsible registered VIGS that is not the lowest responsible bidder

Parameters were identified in the previous section regarding negotiations solely with the lowest responsible bidder. There are additional parameters regarding negotiations with both the lowest responsible bidder and with the lowest responsible VIGS. Additional parameters are necessary recognizing that negotiations will now provide an opportunity for the bidder that initially was not the lowest responsible bidder (the VIGS) to improve their bid during negotiations such that a re-scoring would result in their receiving an award. The additional parameters of the negotiation are:

- Negotiations shall occur upon completion of evaluation/ranking and prior to notice to unsuccessful bidders.
- Areas that may be considered for improvement are the same cost and non-cost award criteria identified in the solicitation
- The bidder's responses to the opportunity is re-scored using the same scoring methodology as the solicitation
- Pass/fail responsibility tests are not considered for improvement
- Information provided by a third party is not considered for improvement. Some examples are financial data provided by an accounting firm, independent laboratory test certifications, and references.
- Information provided during negotiations is limited to identification of award factor(s) that if improved would allow bid to be considered for award
- Award gap specifics cannot be provided

Both the lowest responsible bidder and the lowest responsible registered VIGS shall be informed that negotiations are occurring and both shall have one equal opportunity to improve their bid. The primary communication channel to notify bidders of the negotiation opportunity is email. Using email as the communication channel provides expedient notice as well as validation that the notification has been received. Notification letters are available and agencies are encouraged to use the forms as a Recommended Best Practice. See Section 10.2 [Standard Purchasing Forms](#).

The lowest responsible VIGS and the lowest responsible bidder have 5 working days from release of notification to respond. The VIGS's and the low bidder's response shall be a signed and sealed hard copy. This is consistent with the sealed bid process and insures documentation in the event of dispute or audit. Agencies have 5 working days upon receipt of the responses to reply.

When an agency has conducted a 2-tier competition that results in a pool of qualified vendors, the negotiations occur only during the 1st tier. In the event a responsible VIGS does not qualify to gain entry into vendor pool they will be given the opportunity to improve their bid during the 1st tier to gain admittance to qualified pool.

6.3.f. BID AWARD

Upon award, all bidders will be provided bid results. All participating bidders will be provided with bid results at the same time an Offer and Award (see Contract Bid template) document is sent to the successful bidder. Notification to bidders may be by facsimile, e-mail or U.S. Postal Service. Regardless of notification method used, timely (same day) action must be taken to notify all bidders of the award decision such that the state's liability is minimized in the event a protest is filed. Evidence of notification of all bidders shall be maintained in the purchase file.

6.4. *Protests*

Purchasing Activities must handle protests in accordance with [236-48-141](#). If the Office of State Procurement is the Purchasing Activity then the processing of protests must also be in accordance with [236-48-142](#) and [236-48-143](#) WAC.

[Purchasing Activities](#) are responsible for responding to protests related to any procurement they conduct and any associated legal costs incurred. OSP is available for guidance. If OSP conducts the procurement for you, we will manage the protest response effort for your agency. That effort is included in the fee you pay for the procurement service.

6.5. *Segmenting or Splitting Requirements*

It is a serious violation to [split](#) or [segment](#) orders if the intent is to avoid the \$3,500 quote level or authority dollar limitations (e.g. 7.1 is limited to \$10,000). Agencies should carefully review repetitive small purchases for similar commodities or services because annual dollar spend can be substantial and may be perceived as order splitting or segmenting. Such purchases must be directed to OSP. OSP will conduct a quarterly review with agencies to determine if new contracting opportunities exist.

When the cost of the good or service exceeds the agency authority, forward the requirement to OSP via an [A15A Purchase](#).

6.6. *Disclosing Purchasing Information*

Purchasing records, documents and notes are generally considered public records. See chapter [42.17 RCW](#) and [236-48-123 WAC](#). If in doubt, consult your Public Records Officer or Assistant Attorney General. Be aware of the statutory requirements for prompt response to public record requests and potential damages to your agency for withholding information.

Throughout the solicitation process, purchasing personnel must take care not to take any action that might give one vendor an advantage over others. No information should be given to one vendor and not given to all the other vendors as well. This rule must be applied as follows:

- When vendors call for clarification of requirements on a request for quotations, whether written or oral, no additional information can be given to one potential offeror that is not given to all. If clarification of an oral solicitation is necessary,

you must call each firm originally solicited, giving each the same information. If the RFQ was written, you must send out an amendment to each recipient of the original solicitation.

- The rules apply to all methods of acquisition.
- There can be no disclosure of either the content of any bid/quote before the award is issued.
- Evaluators must complete a [Declaration of Conflict of Interest and Confidential Information](#)
- Bid information submitted to the state pursuant to the procurement of goods and services under chapter [43.19 RCW](#) is not subject to public disclosure until after award of a contract. This includes:
 - The content of any bid/quote
 - Bidder's prices

See RCWs [42.56.070](#) , [43.19.1911\(8\)](#), [43.19.1906](#), [236-48-003\(16\) WAC](#), and [236-48-123 WAC](#).

6.7. ***Minority and Women's Business participation***

Chapter [39.19 RCW](#) encourages participation in state acquisitions by MWBE firms certified by the [Office of Minority and Women's Business Enterprises \(OMWBE\)](#).

- At least one minority and one woman owned business must be provided the opportunity to bid or quote as required by RCW [43.19.1906](#). If not, the reasons are to be explained in writing and included in the purchase file
- No preference will be included in the evaluation of bids/proposals unless required by federal statutes, regulations, grants, or contract terms referenced in the contract documents,
- Participation may be either on a direct basis in response to the solicitation or as a subcontractor to a Bidder/Proposer.
- No minimum level of MWBE participation shall be required as a condition for receiving an award and bids/proposals will not be rejected or considered non-responsive on that basis.
- Any affirmative action requirements set forth in federal regulations or statutes included or referenced in the contract documents will apply.
- If a federal statute, regulation, grant or contract term imposed federal requirements, the agency must consult with OSP to determine the appropriate language.

6.8. ***Moving Services***

Delegated purchase authority for moves is subject to [OSP moving requirements](#) and the state Administration and Accounting Manual [Chapter 60 Moving](#).

6.9. ***Prevailing Wages***

Purchases for services made under [delegated purchase authorities](#) may be subject to the [Department of Labor and Industries \(L&I\) prevailing wage requirements](#) chapter [49.28 RCW](#). Where applicable, solicitation and contract documents must contain prevailing wage requirements.

Contact L&I at (360) 902-5335 for the applicability of prevailing wage requirements to specific acquisitions of goods and [purchased services](#) and for specific current prevailing wage rates for applicable job classifications/locations.

Typical purchases made under chapter [43.19 RCW](#) subject to prevailing wage requirements would be:

- 1) Janitorial services such as floor waxing, carpet and upholstery shampooing and window cleaning.
 - Per [296-127-023 WAC](#), the minimum prevailing wage rate(s) for the first year of the contract must be stipulated in the bid document.
 - Any such contracts of more than one-year duration must include wage increase provisions specifying that the wages which contractors must pay its employees shall be altered annually to recognize prevailing wage rate increases in subsequent years.
- 2) Installation when goods are being permanently installed as part of the construction, alteration, enlargement, improvement or repair of -owned, -rented or -leased facilities.
- 3) Maintenance (except ordinary maintenance) when performed by contract, is defined as keeping existing facilities in good operational condition. Ordinary maintenance is work that is:
 - Performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year) to service, check, or replace items that are not broken; or
 - Regularly scheduled but is required to maintain the asset so that repair does not become necessary.
- 4) Packaging, removal and/or disposal of hazardous waste on or from state property.

6.10. ***Lease Purchase***

Prior to initiating a lease/purchase, contact the Office of state Treasurer at 360-902-9022 for funding approval. Visit the state Treasurer's [State Agency's Lease/Purchase](#) website. If you have delegated purchase authority, your purchase file must document their approval and compliance with their guidelines. If you are requesting OSP to conduct the purchase, attach a statement to the [Requisition](#) certifying approval of the state Treasurer and guideline compliance. See [Chapter 236-48-230 WAC](#) Leases and Recommended Best Practices [Lease Purchases](#).

6.11. ***Best Buy Program***

OSP provides competitive prices and warranties, guaranteed sources of supply and other beneficial supply terms through [State Contracts](#) and [Central Stores](#). Volume pricing and terms can be extended to even the smallest purchaser because of the combined purchasing power and patronage of all state agencies and many political subdivisions.

However, pricing in the open market does fluctuate. Agencies may purchase identical or equal items available on State Contracts or Central Stores directly from non-contract suppliers when it is more cost effective to do so as provided by [RCW 43.19.190\(2\)](#), second proviso.

If purchasing through a non-contract supplier is more cost effective, the agency shall provide the state contractor the opportunity to meet or beat the non-contract supplier's offer. In determining if the non-contract supplier's offer is more cost effective, the agency must consider all cost factors, which may include, but are not limited to: warranty, shipping, quantity, quality, trade-in, cancellation, life-cycle, delivery, installation, and prompt payment/volume discounts.

If the contractor cannot meet the non-contract supplier's offer, the agency may accept the non-contract supplier's offer subject to acceptance by the non-contract supplier of all other terms, conditions, and requirements of the state contract.

Agencies are required to notify General Administration at the time of purchase when making a cost effective direct purchase. To meet the notification requirements of [RCW 43.19.1905\(7\)](#) use the on line [Best Buy Calculator and Reporter](#).

Follow the above reporting process for each individual purchase including repetitive purchases off an agency issued contract. See [Segmenting](#).

6.12. ***WTO Procurement Requirements***

The state of Washington participates in the [World Trade Organization](#) (WTO) [Government Procurement Agreement](#) (GPA). Executive Branch state agencies acquiring goods and services above the current \$528,000 threshold are required to adhere to the GPA requirements when advertising those bids.

However, the following items are exempted:

- Fuel
- Paper Products
- Boats, Ships, Vessels
- Transportation Services
- Dredging
- Public Utility Services
- Printing Services
- Research and Development
- Contract/purchases conducted by the state on behalf of local government agencies
- Contract/purchases not competitively solicited
- Contract/purchases from Community Rehabilitation Programs or Correctional Industries

If the purchase is subject to the GPA agreement, the following guidelines should be followed.

Agencies should invite participation by member nations in bid solicitations by publishing a notice in the [Seattle Daily Journal of Commerce](#) or other accepted media. This is called a "[Notice of Planned Procurement](#)". OSP posts planned procurements on its website at <http://www.ga.wa.gov/PCA/wto.htm>.

- a) Where feasible, allow a minimum of forty (40) days from the date of publication of the above notice to the date of publication of the bid.
- b) Agencies shall ensure that the bid documents include the following:
 - If contract award involves negotiation
 - The date (in text) stating the date to start delivery or complete delivery of goods or services
 - Any economic or technical requirements, financial guarantees and information required from suppliers
 - The address of the entity to which the proposal should be sent and the specific location for courier delivery, if allowed or a statement explaining that hand delivery is not accepted. In addition, note where requests and telephone numbers should be sent. Information about addresses and telephone numbers should reflect international communication standards such as dialing codes. Proposals shall normally be submitted in writing or by mail but if other transmission methods are acceptable, they should be specifically identified.
 - The date (in text form) and time with reference to the time zone) for receipt of proposals and the length of time during which any proposal should be open for acceptance. It is important to be clear and specific with regard to time and date.
 - A complete description of the products and services required
 - The criteria for awarding the contract, including all factors other than price that are to be considered in the evaluation of proposals and the cost elements to be included in the evaluating proposal prices, such as insurance, taxes and currency of payment
 - The [terms of sale](#)
 - Any other terms and conditions
- c) A “[Notice of Award](#)” of purchases that meet the WTO GPA requirements shall be published in the appropriate publication no later than seventy-two days after the award of contract.
- d) Agencies shall ensure that protests are handled in accordance with WTO guidelines. Call OSP for additional information as necessary.
- e) Include OSP on your distribution list for the following:
 - [Notice of Planned Procurement](#).
 - [Notice of Award](#).

6.13. *Disposing of State Surplus Property*

The [Surplus Property](http://www.ga.wa.gov/surplus/) (<http://www.ga.wa.gov/surplus/>) was established to receive and effectively redistribute surplus and excess items from state agencies to other state agencies, governmental entities and private non-profit organizations. State Surplus may be used by other governmental entities and private non-profit organizations for the proper disposal of surplus items.

The disposal of surplus items are subject to the procedures contained in the [Property Disposal Manual \(http://www.ga.wa.gov/surplus/Procedure.htm\)](http://www.ga.wa.gov/surplus/Procedure.htm). The Property Disposal Manual is designed to guide you through the state surplus process.

6.14. *Disposing of Scrap Materials*

Some surplus items may be designated as scrap, see: RCW [43.19.1919\(3\)](#), [WAC 236-48-190\(7\)](#) and [WAC 236-48-1901\(5\)](#). State agencies may "scrap" their unusable excess and surplus "personal" property assets subject to the following requirements:

1. Department of General Administration delegates to state agencies the authority to dispose of unusable surplus "personal" property assets designated as "scrap" by the owning agency.
2. State Surplus Property Program no longer processes requests for scrap disposal. State agencies are not required to submit a Surplus Property Disposal Request (267-A) to State Surplus when disposing of unusable surplus "personal" property assets designated by the owning agency as scrap.
3. This authority is not to be confused with the disposal of scrap metal that should be handled under the [state contract](#) for the disposal of scrap metal. For large quantities of scrap metal, State Surplus may handle the disposal process via an on-site sale.
4. Each agency's internal asset management policies still apply to the disposing of scrap items. Agency to make necessary internal inventory adjustments as per agency policy.
5. Follow proper disposal methods and use available state contracts for the dispose of scrap.
6. Agencies shall review their surplus items and determine whether those items should be designated "scrap" by using the following guidelines:
 - a. Broken and Not Repairable – Items that are not economical to repair.
 - b. Missing Key Parts – Item that has missing parts and it would not be cost effective or economical to replace the missing parts.
 - c. Unsafe for Use – Items where it is not cost effective or economical to make them safe to operate or keep.
 - d. No Secondary Use – Items that have no feasible secondary uses and have little resale value.
 - e. Higher Overhead Cost – Items that can be documented to have a higher overhead cost than can be realized from their sale, can, at the discretion of the Director of General Administration or designee, be scrapped or dumped if there is not an acceptable Donee organization available.
 - f. Hazardous Materials – Items that have a hazardous component or element are included in this general authority. Even though a surplus document would not be submitted, the owning agency is responsible for the safe and proper disposal of any hazardous materials as defined by the Department of Ecology and the agency's hazmat policy. The state has various contracts for the handling and disposal of hazardous and dangerous waste.

6.15. *Ethical Behavior and Conduct*

The ethics law is designed to protect state employees from conflicts of interest or from engaging in activities where their interests or loyalties could be divided or may be questioned. Employees should familiarize themselves with the applicable statutes and all agency policies whenever they are involved in any purchases on behalf of the state. The Executive Ethics Boards is authorized to interpret and provide ethics training. Please visit the [Executive Ethics Board](#) website for additional information or assistance.

Specific ethics prohibitions that can affect employees when purchasing are:

- Requiring a state [contractor](#) to modify [state contract](#) terms without OSP authorization.
- Having a personal or financial interest that is in conflict with the proper discharge of state duties, including the transaction of state business with an entity in which a state employee has an interest.
- Assisting other persons in transactions with the state when a matter has been within his/her official responsibility within the preceding two years.
- Disclosing confidential information, for personal benefit or gain, or for the benefit or gain of others.
- Accepting employment which might reasonably require the disclosure of confidential information obtained through state employment.
- Using one's official state position to obtain special privileges or exemptions or to grant special privileges to others.
- Accepting outside employment or compensation if circumstances would lead a reasonable person to believe it is a reward for performance or non-performance of state duties.
- Accepting any gift, if circumstances create the impression that one's vote, judgment or action could be affected, or that staff are being rewarded for the performance or nonperformance of an official duty or if the item is of a value that exceeds statutory limits.

Separate ethics boards are established for the legislative and executive branches with authority to educate, render advisory opinions, investigate, conduct hearings, issue subpoenas, seek judicial enforcement of subpoenas, conduct hearings, impose penalties, and recommend suspension and dismissal of violators. Agencies should contact their Assistant Attorney General or the appropriate ethics board for further information on the ethics law.

6.15.a. ACCEPTING GIFTS OR BENEFITS FROM SUPPLIERS

Note that there are no exceptions or materiality thresholds for these gifts that are related to a purchasing transaction.

Accepting benefits or gifts from suppliers by purchasing personnel is a criminal act which can result in loss of position and being barred from future state employment. See [RCW 43.19.1937](#).

Penalties applied under this RCW do not prevent additional penalties from being applied under chapter [42.52 RCW](#).

6.15.b. INDUCEMENTS TO SUPPLIERS

Inducing someone to bid or to refrain from bidding by giving them something of value is a criminal act. There are no exceptions for the (small) size of value given to suppress bid competition. See [RCW 43.19.1939](#).

6.15.c. CONTRACTING WITH CURRENT OR FORMER STATE EMPLOYEES

Specific restrictions apply to contracting with current or former state employees. Agencies should familiarize themselves with the requirements of chapter [42.52 RCW](#) prior to entering into any type of contracts. A brief summary of the restrictions follows and should be used as a guide.

This summary is not a comprehensive explanation of all the requirements of the ethics law.

NOTE: These prohibitions apply to any type of service contracting with the state, not just purchases for goods or services.

6.15.d. CURRENT STATE EMPLOYEES

Current state employees may contract with outside entities or with other state agencies when all of the following conditions apply:

- The contract is bona fide and actually performed.
- The performance or administration of a contract or grant is not within the course of the officer's or employees official duties, or under his/her official supervision.
- The performance of the contract or grant is not prohibited by applicable laws or rules governing outside employment for the officer or employee.
- The contract or grant is not performed for or compensated by any person from whom the officer or employee is prohibited from accepting a gift.
- The contract or grant is not expressly created or authorized by the officer or employee in his/her official capacity.
- The contract or grant would not require unauthorized disclosure of confidential information.

6.15.e. EXECUTIVE ETHICS BOARD DETERMINATION

If a current state employee enters into a contract with a state agency and the contract is competitively bid and the only bid received is from the state employee; or, if the contract is not competitively bid, the state employee must receive the prior approval of the appropriate ethics board prior to execution of the contract. If approved, the state employee must file the contract with the board within 30 days of contract approval.

6.15.f. CONTRACTING OVERVIEW

OSP prohibits contracting with or purchasing from a state employee until the approval from the appropriate ethics board has been received.

6.15.g. FORMER STATE EMPLOYEES

One-Year Restriction: A former state employee may not accept employment or compensation from an employer within one year of leaving state employment if for two years prior to leaving the state, the employee negotiated one or more [State Contracts](#) with the prospective employer; the value of the contract or contracts was more than \$10,000; and, duties for the new employer include implementing or fulfilling contracts negotiated or administered while a state employee.

Two-Year Restriction: A former state employee may not have a beneficial interest in a contract that was expressly authorized or funded by executive action in which the employee participated. (A beneficial interest is the right to enjoy profit, benefit or advantage from a contract.)

Continuing Restriction: A former state employee has a continuing post-employment restriction prohibiting him or her from assisting others in any transaction with the state if he or she participated in the transaction while a state employee.

6.16. *Limited and Specific Purchase Authority*

The [Delegated](#) and [Non-Delegated](#) Purchases generally apply to all agencies. When circumstances warrant, an agency may request OSP to delegate a [limited purchase authority](#) or a [specific purchase authority](#).

Typical factors considered prior to the delegation of a limited or specific purchase authority would include:

- Complexity of the acquisition
- Existing [state contracts](#)
- Skill and capability of requesting agency's purchasing personnel
- Acquisition cost
- Demonstrated compliance with other delegated purchase authorities
- Product and market knowledge
- Opportunity by OSP to consolidate with other agency's needs
- Additional conditions required by acquisition methods such as [Used Equipment](#) or [Sole Source](#).

6.16.a. LIMITED PURCHASE AUTHORITY

The characteristics of a Limited Purchase Authority are:

- Issued prior to seeking of quotes or bids by the requesting agency
- The person conducting or leading the acquisition must make the request for the authority
- Issued by a [State Procurement Officer](#)
- Limited to a single specified purchase
- Delegated to a specific person
- May not be further delegated by the receiver of the authority
- The request is submitted as an attachment to [Requisition](#)
- Approval must be in writing before delegation takes effect
- Approval does not waive any of the purchasing requirements of the *Washington Purchasing Manual*

How to request a Limited Purchase Authority:

- Submit your request as an attachment to [Requisition](#) to the appropriate [State Procurement Officer](#). Your request should address at a minimum the following:
 - Discussion of the merits of the acquisition conducted at agency level including specific agency business requirements
 - Proposed [acquisition method](#), [evaluation](#) and [award](#) criteria
 - Provide detailed [specifications](#) that support full and open competition. High risk specifications such as [brand name](#) or [design](#) are restrictive and may require additional discussion.
 - A discussion that demonstrates the buyer's working knowledge of the products being bought, the industries being dealt with, and the regulations within which they apply.

6.16.b. SPECIFIC PURCHASE AUTHORITY

The characteristics of a Specific Purchase Authority are:

- Requested by the agency's Purchasing Representative
- Issued by the [Director](#)
- Issued for a specific term, range of commodities and a dollar limitation
- Delegated to an agency
- Agency delegation is allowed
- Multiple purchases allowed
- Automatically expires at the end of the fiscal biennium
- May be subject to reporting requirements
- May obligate the agency to utilize WEBS for all competitive purchases
- Approval must be in writing before delegation takes effect
- Approval does not waive any of the purchasing requirements of the *Washington Purchasing Manual*

How to request a Specific Purchase Authority:

- Please submit written requests for Specific Purchase Authorities or amendments to Specific Purchase Authorities to:

OSP Customer Service
Office of State Procurement
PO Box 41017
Olympia WA 98501-1017

Or e-mail to:

csmail@ga.wa.gov

Your request should address the following:

- Commodity
- Requested term
- Estimated spend for term of authority
- Discussion of the merits of the acquisition conducted at agency level including specific agency business requirements that will be met with granting of authority
- A discussion that demonstrates the agency's purchasing capability and skill and knowledge of the product and market that is relevant to the requested specific purchase authority
- Using program(s)
- Job titles of purchasing personnel that will be actively conducting the procurement(s)
- Proposed acquisition method, evaluation and award criteria
- Knowledge of product and market
- Ability to monitor and report on purchasing activity

6.17. *Expanding Opportunities for People with Disabilities*

RCW 43.19.1911, 520, 525, 530 were amended and two new Chapters 43.19.531 and 533 were created in 2003 to encourage state agencies and departments to purchase products and/or services manufactured or provided by:

- [Community Rehabilitation Programs](#) (CRP); and
- Until December 31, 2009, businesses owned and operated by persons with disabilities ([DBE](#)).

Resulting legislation grants the purchasing activity the choice between negotiating directly without competition as allowed by [RCW 43.19.530](#) ; or using the competitive process. Note that justifying your choice is not necessary, but you should consider direct negotiation with a CRP or a DBE before competition.

Direct Negotiation: If the purchasing activity chooses to negotiate directly with a CRP or DBE, [fair market price](#) must be determined. Determining fair market price is addressed by [RCW 43.19.530](#): “GA shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. The increased cost of labor, materials, and other documented costs since the last comparable bid or the last price paid are additional cost factors which shall be considered”. However, purchasing activities are delegated authority by GA to determine fair market price by this policy manual.

If the purchase is within the purchasing activity's authority, they can perform the negotiations, otherwise the purchasing activity will need to submit a requisition to GA or request a limited purchase authority. However, in all direct negotiations GA is to determine the fair market price.

Competitive Process: State agencies are required by law to give the opportunity to compete to at least one available [Vendors in Good Standing](#) (VIG) for all purchases in excess of \$3,500. See [Request for Quote](#) and the [Competitive Sealed Bidding](#).

If the purchasing activity chooses the competitive process and a formal sealed bid is required – the purchasing activity must also negotiate with both the VIG and the low bidder IF the VIG is not the lowest responsive bidder. See [Negotiation](#).

Where to find VIGS: GA identifies vendors that are certified as VIGS in the [Vendor Registry](#) within [WEBS](#).

6.18. *Mercury Reduction*

SHB 1002 Reducing the Release of Mercury into the Environment became effective July 27, 2003 and regulates mercury and mercury added products. See [chapter 70.95M RCW Mercury](#).

The law requires agencies to give priority and preference to the purchase of products that contain no mercury-added compounds or components.

There are certain markets where there are a variety of products that perform a similar function. Some of these products contain added mercury and some of these products do not contain added mercury. [RCW 70.95M.060](#) provides requirements for the extent to which a non-added mercury product purchase decision can be supported. To do this agencies are to use the method described below as *Purchasing Mercury Added Products by Exemption*.

There are other markets where all the products contain mercury. When purchasing products in these circumstances – agencies are to follow the method describe below as *Purchasing Mercury Added Products by Preference*.

Purchasing Mercury Added Products by Exemption:

An exemption can be granted when one of the following criteria is met:

- 1) The purchase of the product that contains no mercury is cost prohibitive; or
- 2) The product containing mercury is designed to reduce electricity consumption by at least 40% **and** there is no product available that contains a lower amount of mercury and that saves the same or a greater amount of electricity as the product that contains mercury.

Exemption Justification Requirements

The exemption to the purchase of products that contain no added mercury shall be fully justified and documented to include:

- The performance or functional specifications of the required equipment, supplies, and other products. See [Performance Specifications](#).
- A cost analysis incorporating total cost of ownership considerations (see [RCW 43.19.1911\(9\)\(f\)](#)) validating exemption criteria 1) above, **or**
- An energy usage analysis validating exemption criteria 2) above
- A statement by the purchaser that the exemption justification is accurate and complete to the best of the purchaser's knowledge and belief

Sample Performance Justification—Incandescent –vs.- Compact Florescent			
Products	Lumens	Mercury mg	Watts
Incandescent (twist bulb)	Same	0	60
Compact Fluorescent (twist bulb)	Same	5 mg	15
Justification: Although the Incandescent bulb contains no mercury, the Compact Fluorescent bulb was selected as the energy savings of 75% exceeds the 40% minimum energy consumption savings requirement.			

Purchasing Mercury Added Products by Preference:

There are circumstances where there are no products that do not contain added mercury. In these circumstances, agencies must give preference to the purchase of those products that contain the least amount of mercury added to the product necessary for the required performance.

Purchase Preference Requirements

Purchase preference granted shall be fully justified and documented to include at a minimum:

- The performance or functional specifications of the required equipment, supplies, and other products. See [Performance Specifications](#). The description shall incorporate total cost of ownership considerations (see [RCW 43.19.1911\(9\)\(f\)](#)). See [Performance Specifications](#).
- Manufacturer Warranty of the added-mercury content of each product bid or quoted
- A ranking of each product bid or quoted by added-mercury content
- A statement by the purchaser that no products exist that do not contain added mercury and the purchase preference is accurate and complete to the best of the purchaser's knowledge and belief

Sample Performance Justification—Fluorescent Lamp Category			
Fluorescent Lamp Requirement			
Minimum Lumen Requirements = 2,725		Total Lamp hours needed = 6,756,000,000	
Product Specifications	Brand-X	Brand-Y	Brand-Z
Lumens	2,725	2,900	2,750
Rated Lamp Life (in hours)	24,000	20,000	18,000
Reported mercury content (not more than x mg)	6.0	3.5	10.0
Rated Watts	28	30	28

Lamp Length (in feet)	4	4	4
Sell Price	\$2.20	\$2.20	\$2.20
Number of Lamps needed to = 6,756,000,000 hours	281,500	337,800	375,333
Total Mercury Content (# lamps x mg per lamp)	1,689,000	1,182,300	3,753,333
100% Recycle Cost (# lamps x feet x 6.5¢ per foot)	\$73,190	\$87,828	\$97,587
Installation cost (# lamps x \$2.31 per lamp)	\$650,265	\$780,318	\$867,020
Energy cost (@ 6¢ per Kilowatt Hour)	\$11,350,080	\$12,160,800	\$11,350,080
Total Product Cost (# lamps x sell price)	\$619,300	\$743,160	\$825,733
Total Cost of Ownership (TCO)	\$12,692,835	\$13,772,106	\$13,140,420
TCO difference from lowest (Brand X)		+\$1,079,271	+\$447,585
TCO % Price variation from lowest (Brand X)		+7.8%	+3.4%
Mercury content difference from lowest (Brand Y)	+506,700		+2,571,033
Justification: Brand-X was selected because although the mercury content is fractionally higher, the TCO savings are significant. Largely because fewer lamps are required and the energy requirements are lower for Brand-X, while still substantially reducing mercury levels from the Brand-Z option.			

Violation

A violation of chapter [70.95 RCW](#) is punishable by a civil penalty. See [RCW 70.95M.080](#).

Existing Contracts

This section does not apply to [state contracts](#) entered into before January 1, 2005.

This section will apply to the purchase of products that are similar in function or performance that are available on existing state contracts upon the expiration of those contracts.

Emerging technology will continue to reduce or eliminate the addition of mercury to products while maintaining or increasing performance. When new products that are similar in function or performance to products already available on state contracts, state agencies will give preference and priority to the purchase of products available on existing state contracts.

6.19. *Efficiency Purchasing Standards*

The law establishes minimum efficiency standards for certain product categories where there are no federal efficiency standards. These standards apply to products sold, offered for sale, or installed in the state. The standards do not apply to: (1) products installed in mobile manufactured homes at the time of construction; and (2) products designed expressly for installation and use in recreation vehicles.

The 8 product categories are:

- *Automatic commercial ice cube machines*, such as those found in motels and restaurants;
- *Commercial clothes washers*, such as those found in apartments and coin laundries;

- *Commercial pre-rinse spray valves*, such as those used in restaurants to remove food residue from plates prior to their cleaning;
- *Commercial refrigerators and freezers*, such as those used in large institutional kitchens;
- *Metal halide lamp fixtures*, such as those found on the high ceilings of industrial buildings and gymnasiums;
- *Single-voltage external AC to DC power supplies*, such as the small boxes attached to power cords that allow battery-operated appliances to use power from electrical outlets;
- *Incandescent reflector lamps*, such as the light bulbs that are typically used in "recessed can" lights; and
- *Commercial space heaters* that use natural gas or propane.

Purchasing Requirements

State agencies shall purchase only those products that meet or exceed the efficiency standards identified in [Chapter 19.260 RCW](#).

When preparing solicitations for the purchase of products identified in Chapter 19.260 RCW, agencies shall include the requirement that the products purchased shall comply with the efficiency standards as part of the solicitation's technical requirements.

7. Delegated Purchases

7.1. *Purchases Subject to Competition*

7.1.a. UP TO \$10,000

An agency may acquire goods and services with a value of \$10,000 or less. The \$10,000 limit is calculated per acquisition. The limit reflects the cost of the acquisition to the agency before any trade-in, sales tax, freight charges and other government fees and taxes.

7.1.b. OVER \$10,000

An agency may conduct an acquisition in excess of \$10,000 for the following goods and services.

7.1.b.1. State Contracts and Central Stores

Agencies are delegated unlimited purchase authority to purchase from a [State Contract](#) and from [Central Stores](#)

7.1.b.2. Fuel

Agencies are required to use [state contracts](#) if available, if no state contracts exist, agencies are delegated unlimited purchase authority for fuel for areas where a state contract supplier does not deliver

7.1.b.3. Alarm Systems

Agencies are required to use [state contracts](#) if available. If no state contracts exist then agencies are delegated unlimited purchase authority for alarm and signal systems

7.1.b.4. Bulk Sand, gravel and concrete ready mix

Agencies are required to use [state contracts](#) if available. If no state contracts exist then agencies are delegated unlimited purchase authority for bulk sand, gravel, and concrete ready mix.

7.1.b.5. Groceries

Agencies are required to use [state contracts](#) if available. If no state contracts exist then agencies are delegated unlimited purchase authority for groceries for temporary camps, training schools and field offices established for a period of less than 180 days duration. Included are fresh foods, prepared meals, ice and kitchen supplies.

7.1.b.6. Plants

Agencies are required to use [state contracts](#) if available. If no state contracts exist then agencies are delegated unlimited purchase authority for plants, flowers, shrubs and tree seedlings.

7.1.b.7. Purchased Service Activities

Agencies are required to use [state contracts](#) if available. If no state contracts exist then agencies are delegated unlimited purchase authority for [purchased services](#)

7.1.b.8. Rental of equipment or materials

Agencies are required to use state contracts if available. If no state contracts exist then agencies are delegated unlimited purchase authority for the rental of equipment or materials provided that:

- No purchase for ownership is involved (unlimited period)
- Justification of rental versus purchase benefit is documented.
- The rental or lease term of the following is not to exceed 90 days for:
 - Trailers, Camp, Office, Laboratory, and Mobile Home
 - Prefabricated Building Structures

7.1.b.9. [Used Equipment/Materials](#)

An agency may purchase:

- Used equipment, furniture or materials of less than \$46,200.
- Used vehicles of less than \$11,500.

7.2. *Purchases exempt from Competition*

These acquisitions are clearly and legitimately limited to a single source of supply or involve special facilities, services, or market conditions and are designated as exempt from competitive bid requirements. Agencies are required to use [state contracts](#) if available, if no state contracts exist, agencies are delegated unlimited purchase authority for the following:

7.2.a. UTILITIES

Fees, charges, and assessments for public utilities such as garbage, heat, sewer, cable TV, power, water, lights, fire protection, and recycle services.

7.2.b. POSTAGE AND POSTAL SERVICE

When not already provided by the Department of General Administration, [Consolidated Mail Services](#).

7.2.c. PROFESSIONAL LICENSES AND MEMBERSHIPS

Professional association membership dues (e.g. chamber of commerce, etc) or professional licenses required by employer or state law where such transactions are valid

reimbursable expenses. See OFM [Guidelines on Paying for Professional Employee Certifications, Memberships, or Training](#).

7.2.d. PUBLICATIONS, SUBSCRIPTIONS AND INFORMATION SERVICE DIRECTORIES

Publications, subscriptions and information service directories in print or electronic disc format (e.g. Thomas Register, Kelly Blue Book, etc.).

7.2.e. CONFERENCES AND SEMINARS

- Registration/tuition for conferences and seminars.
- Booth or room rentals, facilities including furnishings and directly related services and materials for public hearings required by agency mission are included in this [OSP](#) delegated authority.
- Entrance fees to professional management award programs (e.g. Malcolm Baldrige Awards, etc) which are determined to be in pursuit of agency mission are also included in this delegation.

7.2.f. MISCELLANEOUS FEES

- Court imposed fees,
- Fees for obtaining records,
- Costs associated with review boards,
- Juries and directly related materials and services,
- Court ordered attorney fees,
- Out of court settlement costs,
- Title insurance,
- Registration/cancellation fees,
- Transfer fees or other transaction fees,
- Customs and brokerage fees and duties associated with procurement of goods from foreign countries where such costs are not paid by shipper.

For permits or licenses issued by governmental agencies, document as an interagency expenditure/purchased service per RCW [39.34.080](#).

7.2.g. LEGAL/PROMOTIONAL ADVERTISEMENTS AND AWARDS

1) Legal or promotional advertisements cost via public media to include but not limited to newspapers, video, radio, billboards or journals, and 2) Prizes or award materials which are related to the agency mission.

7.2.h. COSTS FOR USE OF PATENTED GRAPHIC DESIGN

Costs for use of patented graphic designer artwork and reproduction rights associated with that patent.

7.2.i. ORIGINAL EQUIPMENT MANUFACTURER (OEM) REPAIR SERVICES

[OEM](#) repair services and component parts, and technical and maintenance services (including start-ups, training and testing), and chemical supplies, which can only be obtained from the original equipment manufacturer or regionally authorized single distributor.

7.2.j. TECHNICAL INSPECTION

Survey or certification services, and related expenses required for vessels, boilers, vehicles, and related equipment.

7.2.k. EXPENSES INCURRED IN MANAGING ASSETS

Expenses incurred by an agency in obtaining, managing or otherwise disposing of assets (e.g., equipment, supplies or general commodities) seized pursuant to that agency's statutory authority.

7.2.l. TRAINING SERVICES

- 1) Recurring training for all or most employees.
- 2) Materials (including training aids and devices) used in presentation of the training.
- 3) Routine and ongoing training required for vendors/contractors/consultants to enable them to comply with contractual requirements.
- 4) Training provided incidental (10% or less of equipment cost) to the purchase of equipment, but not included in equipment purchase price.

7.2.m. BASIC HEALTH SCREENING/DIAGNOSTIC COSTS

7.2.n. REPAIR OR REPLACEMENT OF RENTAL EQUIPMENT

Costs incurred to repair or replace rental equipment which was lost, damaged or stolen.

7.2.o. MINOR COSTS INCURRED IN DONATING OF USED EQUIPMENT

Minor costs incurred in donating of used equipment (e.g. transportation, filing fees, etc) where such equipment no longer has a useful value to the agency and Department of General Administration, [State Surplus](#) approval has been attained by the agency for the donation of the equipment.

7.2.p. THIRD PARTY EXPENSES

Payment of invoices received from 3rd party building owners for facilities maintenance or improvements conducted by the building owner. Agency must closely scrutinize their lease agreement to determine the actual party responsible for payment of such costs. For example, installation of metal detectors, security cameras or security fencing at the specific request of the tenant agency where lease agreement requires building owner to install but tenant agency to pay.

7.2.q. INTERAGENCY CONTRACTING EXPENSES

Expenses incurred via contract with another public agency to ensure continuation of grant funding where such services or materials must be purchased from a specific source or manufacturer. For example, a federal agency requires the purchase and use of a specific brand of equipment for performing specific services under a contract with that state agency and the use of other brands would cause loss of funding and/or termination of the contract by the federal agency.

7.2.r. COMMUNITY REHABILITATION PROGRAMS AND BUSINESSES OWNED AND OPERATED BY PERSONS WITH DISABILITIES, 43.19.520-530 RCW

It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by Community Rehabilitation Programs ([CRP](#)) or a for-profit business owned and operated by a person with disabilities ([DBE](#)). Use the authority of [RCW 43.19.530](#) and follow the [CRP/DBE Guidelines](#) when purchasing without competition from a CRP or DBE.

8. Non-Delegated Purchases

The following goods and services are not delegated and *must* be purchased by the [Office of State Procurement](#).

8.1.a. NEW VEHICLES

- Motor Vehicles under 14,000 GVW
- Heavy-duty Trucks, 14,000 GVW and Up

8.1.b. USED VEHICLES

- Used vehicles from the private sector with an estimated cost of \$11,500 or more

8.1.c. INDUSTRIAL AND FARM TRACTORS

- Tractors, Wheeled, Industrial
- Tractors, Wheeled, Farm - Type

8.1.d. RENTAL OF PASSENGER VEHICLES

When the estimated rental cost is more than \$10,000 and/or the rental period is 60 days or more

8.1.e. BOATS, MARINE MOTORS AND TRAILERS

With estimated cost of \$11,500 or more for the following:

- Fishing Vessels
- Boats
- Barges, Cargo
- Pontoons or Floating Docks
- Foam Floatation Units w/recycle content
- Removal of Dolphins
- Vessels, Miscellaneous.
- Repair Parts, Components, or Accessories for Marine Vessels
- Lease or Rental of Marine Vessels
- Maintenance or Repair for Marine Vessels
- Trailers, Boats
- Gas Engines, Marine
- Diesel Engines, Marine

8.1.f. SMALL ARMS AND WEAPONS

- Small Arms
 - Revolvers and self-loading pistols
 - Assault rifles, rifles, carbines and shotguns
 - Sub-machine-guns and light machine-guns
 - Air guns (BB guns)
- Electronic Weapons
 - Portable devices or weapons from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to, injure or kill

- A portable device designed or intended to temporarily immobilize or incapacitate persons by means of electric pulse or current
- Chemical Weapons and Agents
 - Chemicals whose intended use is to impede or temporarily incapacitate
 - Munitions and devices, specifically designed to impede or temporarily incapacitate through chemical action
 - Toxic chemicals whose intended use is to cause death or harm
 - Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those chemicals
- Explosive Weapons

8.1.g. UNIVERSALLY ACCEPTED GASOLINE CHARGE CARD

Obtaining, controlling and issuing of gasoline charge cards to purchase automotive fuel, lubricants, parts and services as necessary at commercial stations

9. Other Types of Purchases

If the primary purpose or nature of a contract is in one of the categories described below that contract is not under the oversight of OSP:

Personal Services	Client Services
IT Services and Equipment	Public Works
Highway Design and Construction	Printing Services
Insurance and Bonds	Higher Education
Purchases for Resale	Space/Buildings
Vending Services	Interpreter Services
Original Works of Art	Travel
Janitorial Services for Capital Campus	Recognition Awards
Competitive Contracting	

9.1. *Personal Services, chapter [39.29 RCW](#)*

The [Office of Financial Management](#) has the responsibility to establish procedures for the competitive solicitation and award of personal service contracts, record keeping requirements, and procedures for the reporting and filing of personal service contracts. Personal services are professional or technical services provided by a consultant to accomplish a specific study, project, task, or other work statement.

9.2. *Client Services, RCW [39.29.006\(2\)](#)*

Client services are defined in RCW [39.29.006\(2\)](#) as services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing. Client service contracts are entered into for professional or technical services to be provided by an organization or person external to state government which will result in the delivery of direct services to agency clients. Clients are considered to be those individuals for whom an agency has statutory responsibility to serve, protect, or oversee.

9.3. *Information Processing Equipment and Services, chapter [43.105 RCW](#)*

The [Washington State Information Services Board \(ISB\)](#) has the power and duty to develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data. It also has the power and duty to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services. Agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority.

9.4. *Public Works, RCWs [28B.10.350](#), [39.04](#), [39.80](#) and [43.19.450](#)*

The Department of General Administration, [Division of Engineering and Architectural Services \(E&A\)](#) is responsible for the design and construction, major repairs and alterations of all state-owned facilities. state facilities includes all buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards, commissions, colleges, community colleges, except the universities, The Evergreen College and regional universities. "state facilities" does not include facilities owned by or used for operational purposes and constructed for the Department of Transportation, Department of Fish and Wildlife, Department of Natural Resources, or Parks and Recreation Commission.

9.5. *Highway Design and Construction, chapters [39.80](#) and [47.28 RCW](#)*

Contracts for highway construction are subject to the statutory requirements of chapter [47.28 RCW](#) and for architectural and engineering (A/E) services, chapter [39.80 RCW](#). Contracts for architectural and engineering services are processed through the [Consultant Services](#) Office in the [Department of Transportation](#), Environmental and Engineering Division.

9.6. *Printing Services, chapter [43.78 RCW](#)*

The [Department of Printing](#) in general, is the mandatory supplier for printing services.

9.7. *Insurance and Bonds, RCW [43.41.300](#)*

Purchase of all insurance, fidelity and surety bonds and notary public commissions for state agencies is the responsibility of the [Office of Financial Management, Risk Management Division](#).

9.8. *Higher Education, RCW [28B.10.029](#)*

An institution of higher education may exercise independently those powers otherwise granted to the Director of General Administration in chapter [43.19 RCW](#) in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

9.9. *Space/Buildings, RCW [43.82.010](#)*

The purchase, lease or rental of privately owned space and/or buildings on private property and alteration or repair is the responsibility of the Department of General Administration, [Division of State Services](#).

9.10. *Purchases for Resale, RCW [43.19.190\(2\)](#)*

Agencies have primary statutory authority for the purchase of materials, supplies and equipment for resale to other than public agencies.

9.11. *Interpreter Services, RCW [43.19.190\(2\)](#)*

The [Department of Social and Health Services](#) has the statutory responsibility to contract for interpreter services on behalf of public assistance recipients under RCW [43.19.190\(2\)](#).

9.12. *Vending Services, chapter [74.18 RCW](#)*

The [Department of Services for the Blind](#) maintains a business enterprises program for blind persons to operate vending facilities in public buildings.

9.13. *Travel on state Business & Credit Card Services, RCW [43.03.065](#)*

Agencies are to conduct the acquisition of travel and travel-related services (lodging, meals, transportation, etc) in accordance with the state Administrative and Accounting *Washington Purchasing Manual* (SAAM) [Chapter 10 Travel](#) and [Chapter 45 Purchase](#) issued by the Office of Financial Management (OFM) and RCW [43.03.065](#).

9.14. *Original Works of Art, RCW [43.19.455](#), chapter [43.46 RCW](#)*

The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the [Washington State Arts Commission](#) in consultation with the Director of General Administration.

9.15. *Recognition Awards, RCW [41.60.150](#)*

Other than suggestion awards and incentive pay unit awards, agencies shall have the authority to recognize employees, either individually or as a class, for accomplishments including outstanding achievements, safety performance, longevity, outstanding public service, or service as employee suggestion evaluators and implementers. Recognition awards may not exceed two hundred dollars in value per award.

9.16. *Janitorial Services and Carpet Cleaning at state Owned Facilities, RCW [43.19.125](#)*

Janitorial services and carpet cleaning at state owned facilities located on the Capitol Campus are to be purchased from the Department of General Administration, [Division of Capitol Facilities](#).

9.17. *Competitive Contracting, RCW [41.06.142](#)*

The Civil Service Reform Act of 2002 provides that any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities. Agencies are permitted to contract with GA to conduct their bidding process. In accordance with statute, GA has developed rules. See Chapter 236-51 WAC.

10. **Recommended Best Practices**

10.1. *Why Compete?*

Competition is generally required for the purchase of goods and services of \$3,500 or more, but in keeping with the state public policy favoring competition, use of limited competition is generally appropriate for purchases of less than \$3,500.

Competition is a powerful tool for garnering the highest value from vendor's at the most reasonable price. You are well advised to use competitive procurement. Here's why:

- Increased Participation – A competitive process provides a greater number of firms access to state business.
- Lower Prices – Full and open competition reduces costs since prospective vendors submit their best offers to obtain state business.
- Higher Quality – Firms who develop bids in a competitive environment pull together the strongest management and technical teams available.
- Favoritism – Unfounded or not, accusations of favoritism can hurt your agency and mar its reputation. Conducting a fair and open competitive process will help avoid any such claims.
- Unsavory Publicity – Even the best prepared bids and quotes can go awry. When they do, you are in a more defensible position when you have competitively bid your project.

10.2. *Standard Purchasing Forms*

The Office of State Procurement has developed Standard contracting, forms, templates and samples in order to:

- Establish uniform terms and conditions for all purchases of goods and services
- Insure all participants have the same purchasing experience
- Protect the state's rights and interests
- Minimize risk; and

- Familiarize suppliers with contract arrangements.

These Standard contracting, forms, templates and samples are available on the internet on GA's [Reference & Forms](#) website for use by state agencies. The following templates are also available on the website, however, any modification will require your agency's AAG review and approval as to form prior to use.

- [Amendment template](#) – A template used to modify a solicitation after the issuance but prior to the opening of the solicitation.
- [Auto Text](#) – A resource used in conjunction with solicitation templates. The Auto Text contains additional bid specific provisions.
Starting on May 10, 2007, the state discontinued use of all earlier versions and began transitioning to a new format designed to be used in conjunction with the new Invitation to Bid template.
- [Competitive Procurement Standards \(CPS\)](#) – Standard instructions, definitions, and Terms and Conditions that apply to state contracts.
Starting on May 10, 2007, the state discontinued use of the CPS and began transitioning to the new [GA – Model Contract](#).
- [Field Order \(A17-A\)](#) - Used by agencies as a local purchase order form to order, encumber, liquidate, and authorize payment for local purchases. This form is used when an agency has [delegated purchase authority](#) to make a purchase or when the good or service is purchased off a [state Contract](#).
- [GA Model Contract](#) – A Model Contract used for the acquisition of goods and/or services under the authority of RCW 43.19. The final contract should reflect and compliment the requirements of the IFB/RFP.
- [Invitation to Bid \(IFB\)](#) template – a template use to develop a formal sealed solicitation.
Starting on May 10, 2007, the state discontinued use of all earlier versions and began transitioning to a new format designed to be used in conjunction with the new GA – Model Contract.
- [RFQ template](#) – A template used to develop a [Request for Quote](#).

10.3. *Sole Source*

Typical types of sole source purchases:

One-of-a-kind - The product has no competitive product and is available from only one supplier.

- Proprietary/patented products. "Only one in the world"/Prototype. A one of a kind product which has essential unique design/performance features providing superior utility not obtainable from similar products.

The existence of limited rights in data, patent rights, copyrights, or secret processes; the control of basic raw material; or similar circumstances, make the supplies and services available from only

one source. However, the mere existence of such rights or circumstances does not in and of itself constitute sole source.

Example: A pharmaceutical drug, which is under a multiple year patent and is only sold directly by the manufacturer.

Example: A one-of-a-kind oscilloscope that is available from only one source.

Example: A supplier that possesses exclusive and/or predominant capabilities.

- Used goods.

Example: A television transmitter tower, that becomes immediately available and is subject to prior sale.

Justification Example

Acme is the only manufacturer which has all the required firmware and schematics necessary to manufacture a widget, so that it is compatible with existing agency-owned equipment. Only Acme sells the widget. The specifications necessary to manufacture the widget are proprietary to Acme, which is the original manufacturer of the [equipment]. [name] of Acme certifies that the specifications are proprietary.

Compatibility - The product must match an existing brand of equipment for compatibility and is available from only one supplier.

- Products that are an integral repair part or accessory compatible with existing equipment.
- Products that, although not an integral repair part or accessory, must be compatible with existing equipment, systems or a substantial parts inventory and compatibility is the overriding consideration.

Example: Furniture required for the expansion of an existing workstation.

Example: Educational Supplies. Single source educational supplies, such as prepared film slides, instructional multimedia products, prepared motion picture film and printed test forms

Example: Holding an extra inventory of parts for a different machine would not be cost, space or time effective.

- Products which match existing equipment.

Example: A product which must be identical to an existing product to ensure consistency in results.

- Item standardization: Requirements have been standardized.
- Equipment that include a part(s), which must meet a set specification.

Justification Example

Acme is the manufacturer of the agency-owned test equipment at [agency]. The additional switching, which must be compatible with existing equipment, is an essential enhancement in order to [*describe function*]. Only Acme sells the switching.

Replacement Part - The product is a replacement part for a specific brand of existing equipment and is available from only one supplier.

- Components or replacement parts for which there is no commercially available substitute.

Example: Repair parts that are proprietary.

Example: Components of a major assembly.

- Warranty required service and/or parts.

Example: Under the terms of a warranty, the original equipment manufacturer requires use of specified service personnel and genuine or original equipment manufacturer's parts.

Justification Example

The requested widgets are replacement parts for the Acme model [xx] [equipment]. Only Acme manufactures and sells these parts for use in their [equipment]. [*describe why the parts are unique and discuss market survey to obtain equivalent parts from other manufacturers*].

Delivery Date - Only one supplier can meet necessary delivery requirements. Delivery by a specific date is essential for the completion of a task or project. Delays would cause an extreme increase in cost or detriment to the state.

Project or Research Continuity - The product must comply with established standards and is available from only one supplier. Changing brands or manufacturers would compromise the continuity of the project.

- A product, equipment, part, service or supplier that, due to technically constraining factors associated with a project or research, are needed to ensure the fairness and validity of the underlying project or research.
- The requested product is being used in ongoing experiments and use of another product could cast doubt on research results.
- Other investigators have used a specific product in similar research and, for comparability of results, the same product is essential.
- Products for instructional use. The product is to be used in an instructional setting and the intent is to provide instruction on the specific product or diversity of products.

Unique Design - The product must meet physical design or quality requirements or demonstrates a unique capability to provide a particular function and is available from only one supplier.

- Products that have specific features essential for the completion of a task or project.
- Products with physical design characteristics, which satisfy aesthetic requirements.
- Products where it's practical to match existing equipment, e.g., office or school furniture.

Unique and innovative concept - A service that demonstrates a unique and innovative concept or, demonstrates a unique capability of the source to provide the particular services requested or proposed. In this context, the term does not mean that the source has the sole capability of performing the service. It is the approach that is unique.

A service is considered unique and innovative when:

- It is the product of original thinking submitted by a single source
- Contains new, novel, or changed concepts, approaches, or methods
- Was not submitted previously by another; and
- Is not otherwise available within the agency or state government.

Requirement by funding source - A product that is specifically and clearly required by a lender, grantor (such as the Federal government) or other provider

of funds where the usage of those funds is specifically, explicitly, and clearly restricted by the lender, grantor or other provider.

Justification Example

[Agency] is the recipient of a grant from [Federal Government agency]. The grant requires that [equipment] [*describe make and model of equipment*] be used in the performance for the grant contract. The [equipment] is manufactured and only sold by Acme [*see One-of-a-kind*]

Legal monopoly - Circumstances may dictate that only one supplier can furnish the service such as Utility services.

- Public utility services such as electricity, water or sewage from natural or regulated monopolies.

Authorized service provider

- A specific service provider is required by previous contract.

Example: The contract for a product requires return of a defective product via a freight company specified by the contractor.

- A specific service provider is required by a warranty.

Example: Under the terms of a warranty, the original equipment manufacturer requires use of specified service personnel

Justification Example

The agency-owned equipment at [location] is under a [duration] warranty with Acme, the original equipment manufacturer. Under the terms of that warranty, only Acme service personnel may repair the widget with genuine Acme parts or,

All service on Acme equipment in western Washington is performed by Acme, acting through its only authorized service technician [explain].

10.4. *Purchased Services*

The State Contracts out for services to provide basic, day-to-day services such as janitorial, landscaping, and translation services. Generally, these services meet the more routine needs of an agency for general support activities.

In most instances the distinction between a "purchased" service and a "personal" service is clear. However, on occasion the service must be closely evaluated to make the determination.

Distinctions between Personal & Purchased Services

Personal Service Characteristics	Purchased Service Characteristics
<ul style="list-style-type: none"> • Services are professional or technical in nature and meet more specialized needs. Work is predominantly intellectual and varied. • Work is independent from the day-to-day control of the agency; consultant maintains control of work methods. • Work requires regular exercise of judgment, discretion, and decision-making; involves providing advice, opinions or recommendations; may have policy-implications for agency; often addresses management-level issues. • May require advanced or specialized knowledge, or expertise gained over an extensive period of time in a specialized field of experience. • Work may be original and creative in character in a recognized field of endeavor, the result of which may depend primarily on the individual's invention, imagination or talent. • Consultant generally assumes risk of loss if the requirements are not satisfied. 	<ul style="list-style-type: none"> • Services are more repetitive, routine or mechanical in nature, following established or standardized procedures as contrasted with customary and regular exercise of discretion or independent judgment. • Services contribute to the day-to-day business operations of the agency, rather than the management or policy side of the agency, and may meet more general needs of the agency. • Services generally involving completion of an assigned task, rather than an entire project. • Decision-making and analysis, if required, is more routine or perfunctory in nature. • Services that are generally performed based upon agency direction
<p>NOTE: The fact that a service possesses one of the above characteristics is not necessarily conclusive to a determination of personal or purchased service, but rather the service should generally fit the applicable criteria.</p>	

Examples of Purchased and Personal Services

The list below is a guide to assist agencies in determining whether a service is generally considered a personal service or a purchased service. Always carefully review the proposed services being required under the contract to make the final determination.

For example, a contract for conference coordination could be either personal or purchased service, depending upon the responsibilities of the contractor. If the contractor is independently responsible for organizing, implementing and coordinating the conference with only minimal guidance from the agency, the contract would be a personal service. If the contractor is following prescribed instructions and the agency has primary responsibility for coordination of the conference, the contract would be designated as a purchased service contract.

Examples of OFM Personal Services	Examples of GA Purchased Services
<p>Accounting services</p> <p>Actuarial services</p> <p>Analysis and assessment of processes, programs, fiscal impact, compliance, systems, etc.</p> <p>Appraisal services</p> <p>Art work, original (services creating the art work)</p> <p>Audio/video media productions (design, development and/or oversight of)</p> <p>Auditing services</p> <p>Business analysis and assessment services</p> <p>Business process re-engineering</p> <p>Communications (including design, development or oversight of audio/video productions, brochures, pamphlets, maps, signs, posters, annual reports, etc.)</p> <p>Conference and trade show coordination</p> <p>Consultation on programs, plans, projects, systems, etc.</p> <p>Counseling employees</p> <p>Curriculum development</p> <p>Economic analysis and consultation</p> <p>Environmental Planning/Technology/Studies (except when part of an architectural/engineering project)</p> <p>Evaluation of processes, programs, projects, systems, etc.</p> <p>Executive recruitment</p> <p>Expert witness services for litigation/testimony</p> <p>Facilitation for groups, projects, retreats</p> <p>Facilities planning/coordination</p> <p>Feasibility studies (except when part of an architectural/engineering project)</p> <p>Financial services</p> <p>Fund raising</p> <p>Grant writing</p> <p>Graphic design (creative or original in nature)</p> <p>Guest speakers</p> <p>Investigations (personnel related, etc.)</p> <p>Investment advisors and management</p> <p>Labor negotiations and labor relations services</p> <p>Legal and paralegal services</p> <p>Legislative liaison services</p> <p>Lobbying services</p> <p>Management consulting</p> <p>Marketing services, including identifying market opportunities, conduct of marketing programs, planning, promotion, market research surveys, etc.</p> <p>Mediation, negotiation and arbitration services</p> <p>Medical and psychological services, including evaluation and consultative services (For blood draws, physicals, blood pressure checks, etc., see Health Screening under purchased</p>	<p>Advertising in newspapers, magazines, billboards, etc.</p> <p>Ambulance/emergency medical tech. service</p> <p>Air/bus, vehicle charter/rental service</p> <p>Auctioning service</p> <p>Audiometric testing</p> <p>Banking Services (routine, transaction based)</p> <p>Boiler testing/water treatment service</p> <p>Bookkeeping service (routine, transaction based)</p> <p>Building alarm systems, service and repair</p> <p>Check collection service</p> <p>Clothing, textile fabrication repair service</p> <p>Commercial laundry service, dry cleaning, etc.</p> <p>Communications systems installation, servicing and repair</p> <p>Court reporting and transcription services</p> <p>Credit card service</p> <p>Debt collection service</p> <p>Delivery/courier service</p> <p>Document storage, duplication, retrieval, review and destruction service</p> <p>Drug testing and screening (standard tests)</p> <p>Engraving service</p> <p>Environmental monitoring: noise level, safety, hazardous gas detection, radiation monitoring service, etc. (using standardized processes)</p> <p>Equipment installation, preventive maintenance, inspection, calibration and repair</p> <p>Equipment rental services</p> <p>Exam testing administration and scoring service</p> <p>Firefighting/suppression service</p> <p>Food preparation, vending and catering services</p> <p>Health screening, basic diagnostic (wellness, blood pressure monitoring, blood draw, etc.)</p> <p>Herbicide application service</p> <p>Household goods packing, storage, transportation service</p> <p>HVAC system maintenance service</p> <p>Interpretive services: written/oral/sign language</p> <p>Inventory service</p> <p>Janitorial service, carpet cleaning, window washing</p> <p>Laboratory testing and analysis (standard tests only)</p> <p>Land clearing/debris removal service (when not using heavy equipment)</p> <p>Landscaping--tree planting, grooming service, lawn mowing (except when part of an architectural/engineering project)</p> <p>Language translation service</p> <p>Lay witness (called to testify in a court case)</p> <p>Linen rental service</p> <p>Marine equipment inspection, certification and repair</p> <p>Medical equipment rental or repair service (wheel chairs, walkers, etc.) Includes measurements, adjustments and</p>

Examples of OFM Personal Services	Examples of GA Purchased Services
<p>services.)</p> <p>Needs assessment (except when part of an architectural/engineering project)</p> <p>Operational assessments</p> <p>Organization development</p> <p>Outreach services for programs</p> <p>Peer review</p> <p>Planning services (except when part of an architectural/engineering project)</p> <p>Policy development and recommendations</p> <p>Productivity improvement</p> <p>Program development, assessment, implementation, coordination, evaluation, etc.</p> <p>Public involvement services and strategies</p> <p>Public relations services</p> <p>Publication development (See Communications)</p> <p>Quality assurance/quality control services</p> <p>Recommendations on processes, products, projects, systems, etc.</p> <p>Recruitment, executive</p> <p>Research services — social, environmental, technical, etc.</p> <p>Retreat and workshop planning, conduct, coordination, etc.</p> <p>Scientific and related technical services</p> <p>Strategic planning</p> <p>Speech and report writing</p> <p>Statistical analysis</p> <p>Studies, development and conduct</p> <p>Surveys (including development of instrument, conduct and analysis of results — if conduct only of standard survey instrument, would be purchased service)</p> <p>Temporary employment service for professional services: architects, engineers, registered nurses, doctors, etc.</p> <p>Trade development services</p> <p>Training — when it is: (a) offered to specific categories or classes of employees; (b) offered to all or most agency employees six times or less in a fiscal year</p>	<p>modifications to meet patient needs</p> <p>Metal/pipe/wiring detection service</p> <p>Office furnishings installation, refurbishment and repair service</p> <p>Package inspection and crating</p> <p>Painting service (unless public works)</p> <p>Paper shredding</p> <p>Parking lot sweeping/snow removal service</p> <p>Pest/weed control service</p> <p>Photographic/micrographic processing and delivering, includes aerial and ground photography (if analysis is included, then personal service)</p> <p>Process serving</p> <p>Property management (rent collection, property maintenance, etc.)</p> <p>Recycling/disposal/litter pickup service</p> <p>Security/armored car services</p> <p>Shop welding/metal fabrication service</p> <p>Steam cleaning, high pressure washing, parts cleaning service</p> <p>Studio photography service (does not include portrait painting)</p> <p>Telephone interview service (conduct of survey using prescribed survey instrument)</p> <p>Temporary employment service (clerical support, dictation, word processing, bookkeeping, etc.)</p> <p>Test fishing service</p> <p>Towing service</p> <p>Training — when it is offered on a recurring basis (more than six times per fiscal year) to all or most employees. Also includes existing satellite down-link courses and teleconferencing training services</p> <p>Travel service — air, surface, water</p> <p>Tree topping (when not using heavy equipment)</p> <p>Utility services: garbage, fire protection, heat and sewer, cable TV, power, water, etc.</p> <p>Vehicle inspection, lubricating and repair services</p> <p>Videotaping and recording service</p> <p>Warehouse dry/cold storage rental service</p> <p>Weather information service</p>

Commodity Group Listings that begin with the digits 97 or end with the digits 99 are purchased services.

In the purchase of services, emphasis must be placed on the drafting of [specifications](#) or [statement of work](#) rooted in end results, not process. The service provider's bid must then responds with a solution to the defined need.

For purchased services, include [prevailing wage requirements](#) where applicable. Include insurance provisions where work is completed on state property or where otherwise required by Division of Risk Management. Include your agency as an additional named insured party on certificate.

10.5. *Specifications*

10.5.a. WHAT IS A SPECIFICATION?

A specification is an exact description of a product or service used to tell prospective suppliers precisely what is required. The nature of an item or service will determine whether specifications will be long or short and what descriptive format should be used. In some cases it will run to considerable length and will actually duplicate the information and even the format which would be used in a specification for a complex system. At the least, a purchase description must contain both a description of the requirements and any required quality assurance provisions. See [236-48-003\(34\) WAC](#) and [236-48-079 WAC](#). Regardless of length or format, however, the specification will define minimum requirements.

Object of a Specification

The object of a purchase description is to communicate to both the buyer and the supplier what is required. The description provides the basis for judging whether or not the vendor has met requirements. The key word is “communicate”. The specification must be written in clear, unambiguous, and precise language to communicate effectively.

Why Is a Specification Needed?

Very simply, a specification is needed because it is the only way to obtain the goods or services required. It is the heart of a contract document that will govern the supplier of required goods or services in the performance of the contract as well as the basis for judging compliance.

What is a good specification?

A good specification is one that promotes full and unrestricted competition through setting forth actual, minimum requirements, as opposed to desires. It contains quality assurance provisions which provide a means of determining that the supplier has met contractual requirements. The well-written specification will be precise and clear. If requirements are not clearly and concisely stated, requisitioners may not get what they think they are asking for. If there is any ambiguity or room for interpretation, the suppliers are entitled to make interpretations that work to their own advantage. A good specification should:

- Be based on need
- Emphasize performance rather than design
- Not call for features not needed for an item’s intended use
- Identify the essential characteristics of the item to be purchased
- Not be written by a bidder. See [Standards of Ethics](#)
- Generally provide for commercial, off-the-shelf products

- Avoid unique requirements
- Allow for competitive bids to the maximum extent practicable
- Should be quantifiable rather than qualitative
- Be verifiable
- Not overstate quality

Here is an example of an ambiguous statement:

The contractor shall determine the metallic content of the water samples.

This statement will obtain only the total metallic content. If the actual requirement is a breakdown on each of the metals contained in the sample, there will be disappointment. A better way of writing the requirement would be:

The contractor shall determine the amount in parts per million of each metal present in the water samples.

The second statement of the requirement is obviously more complete; it does not leave much room for interpretation. (It might also be necessary to state the accuracy that is required, the method of analysis to be used, and other details.)

In short, scientific knowledge is of little value when it comes to writing a specification unless your needs are expressed in succinct, accurate, understandable terms.

10.5.b. METHODS OF DESCRIBING SPECIFICATIONS

The methods of describing specifications usually fall into one or combinations of the following categories:

- [Design specifications](#)
- [Brand](#)
- [Brand](#)
- [Qualified Products](#)
- [Standard Specification](#)
- [Performance Specification](#)
- [Statement of Work](#)

The various types of specifications vary in how they describe the requirements of the good or service and how successfully they promote full and unrestricted competition.

Design Specification

A design specification is one that sets forth physical characteristics in definitive terms. Design specifications may include the composition of the materials to be used in making the product as well as the size, shape, and mode of fabrication. As design specifications focus on how a product is to be

fabricated or constructed they are normally used for engineering or construction projects.

Among the ingredients of a design specification would be the following:

- Dimensions, tolerances and specific manufacturing or construction processes and;
- Use of drawings and other detailed instructions to describe the product.

This type of specification carries a high risk for the user if used for commercially available products as it unnecessarily limits competition.

Brand Specification

Specifications that limit the competition to a single product are called brand specifications and are the most restrictive type of specification. Similar types of products may exist, but only one brand, for reasons of expertise, and/or standardization, quality, compatibility with existing equipment, specifications, or availability, is the only brand that is acceptable to meet a specific need. A sole acceptable brand may be available from more than one source, which should be determined through competition. Rejection of other products should be based solely on an equitable evaluation of comparable products and their failure to meet a specific stated need. See [236-48-003\(7\) WAC](#)

► When brand specifications limit competition to one source, sole source justification is required. Documented justification of a proprietary specification must include three essential elements:

- 1) An explanation of the need for the unique features, applications, and circumstances that apply to the specified product, e.g. which part or parts of the stated specification restricts the requisition to one manufacturer or supplier.
- 2) The reason competing products are not satisfactory, e.g. a justification for the proprietary purchase. Documented evidence is required that other products have been investigated, including the name, manufacturer, and model number of the unacceptable product(s).
- 3) The specific impact on the agency if the product were procured elsewhere.

Brand-Name-or-Equal Specification

Brand name or equal is a unique type of specification with its own particular procedures and requirements. It is relatively easy to use and can promote competition if there are enough “or equals” in the marketplace. While establishing a standard of quality on a “Brand name or equal” basis is a fully acceptable procurement practice, the purchase specification should avoid favoring a particular product or brand. See [236-48-079 WAC](#).

The brand-name-or-equal product specification is probably one of the most abused formats. The [Competitive Procurement Standards](#) require that bidders of other than the name brand must submit data to show the equality of the products being offered. The buyer must assess submitted data to determine equality. This determination should be based on whether the offer meets "salient characteristics" set forth in the solicitation. It is in this area that considerable differences in opinion arise as to what is salient and whether an offered "equal" does or does not meet salient characteristics. Many bid protests are a result of brand-name-or-equal acquisitions.

The brand-name-or-equal specification should include the common generic identification of the item, the make, the model or catalog number, and the name and address of the manufacturer. It must also include an itemization of the salient characteristics and of performance or other criteria that are required of the brand-name product. If dimensions are a part of the criteria, they should be given. If there are methods or materials that are precluded, they should also be set forth so that offerors are aware of these conditions prior to going to the expense of bidding.

A brand-name-or-equal specification should only be used to purchase a standard item, available off the shelf, for which a complete definition is impractical.

► When brand name or equal specifications are used as many different brands as practical should be named and the designation of any essential components or features.

Qualified Products Specification

A Qualified Products specification is a determination, usually in advance of a bid, as to which products meet the user's requirements.

A qualified products list (QPL) identifies various brands that have met specific criteria. Bidding is limited to those manufacturers whose products are on the list. The purpose of this type of specification is to determine, in advance, those products that meet the established criteria. The evaluation of these bids is greatly simplified. Awards may only be made for products on the QPL. A bidder who submits a bid for a product not on the QPL is not responsive, i.e., does not follow bidding requirements.

Thanks to the QPL, any questions from manufacturers whose products are evaluated as unacceptable can be handled before the bids are issued. Developing a QPL is time consuming, but the benefits at the time of bidding are worth the effort.

► When developing a QPL:

- A solicitation is to be issued for the submission of samples or products to be examined for initial inclusion on the list.
- The specifications should state the criteria that the products offered will be evaluated.
- A specifications draft is to be circulated for review by manufacturers and known interested bidders. Your notice should describe all requirements necessary for their items of equipment to qualify for the list.

The QPL should be updated frequently. To promote competition and take advantage of innovation in the marketplace, continue testing other pieces of equipment even after the QPL is developed. Manufacturers may change the quality and performance of their equipment, so be flexible and encourage testing of new products.

Standard Specification

A standard specification is one used for all or most purchases of the item desired. The process of creating a standard specification examines the characteristics and needs for items of similar end usage and develops a single specification that will satisfy the need for most or all purchases.

Standard specifications:

- Are created for the purpose of establishing performance and quality levels
- May be useful for commonly used items
- May reduce the variety of things being purchased, resulting in simplified inventories or facilitating the consolidation of requirements into larger volume bids
- Eliminates duplicative specification writing

While standard specifications save time, promotes competition, prevents “maverick” purchasing, can reduce number of items being purchased they also require updating and may lag behind changes to state of the art.

Performance Specification

Performance specification (also known as a functional specification) is a method used to considerable extent, partly because it throws the responsibility for a satisfactory product back to the seller. Performance specification is results and use oriented, leaving the supplier with decisions on how to make the most suitable product. Some areas to consider are measurement criteria, speeds, compatibility with existing equipment, ease of operation, reliability, etc.

A performance specification identifies the requirements in such terms as capacity, function or operation. As such, the end user will be primarily more interested in the service or function that the item will perform. Normally, the

details of design, fabrication, manufacture and internal structure rest with the supplier. The end user is interested primarily in function and performance.

Whenever possible, performance specifications should state what the item is to do rather than bog down in technical detail. Performance details should include such items as:

- Output in terms of available power, velocity, production per minute, area of coverage, depth of penetration, etc.
- Capacity in terms of total load, cubic content, etc.
- Dimensional limitations
- Hardness
- Maneuverability
- Degree of tolerance or accuracy
- Weight limitations
- Resistance to external physical and chemical influences
- Other properties or qualities that have to do with how the item should perform.

Do not describe the best available item on the market, but what you need.

Particular care must be taken to consistently use performance-level details. For example, if the speed or capacity of a machine is stated, the horsepower of the power unit required would not be specified. Rather, a performance need would be stated: The power unit is to have sufficient capacity to operate the machine at stated speeds under stated loads. Whenever performance details are specified there will also be a need to state the type of inspection or test that will be used to determine if the item furnished meets the performance requirements of the specification.

Statement of Work

A statement of work is a specification which applies to the acquisition of purchased services or the development of hardware. Here again, it is the contractual vehicle for expressing exactly what services are required and for evaluating the product of a supplier. Special knowledge of the subject must be used in deciding the content of the work statement. The key elements are the same as those for any specification, with the added requirement of a statement of where the work is to be performed. The work statement must deal with these basic questions:

- What needs to be done?
- Where should it be done?
- What should the final output consist of?

In some cases the work statement may also define how the work is to be accomplished. Many work statements are complex in that, because they require the use of special equipment or outputs, they must provide data in specific formats for future processing

10.6. *Lease Purchases*

See [Lease Purchase](#) requirements. Substantial savings can often be realized by purchasing rather than leasing certain kinds of equipment. In other situations, leasing may be the most economical option. The main requirement is that any decision to lease rather than purchase must be justified. The buyer must be able to show that the long-term lease cost will be more advantageous than the initial cost of purchase, or that the requested item will be of no use to the after its immediate use. Lack of funds alone is never sufficient reason to lease. Also, purchasing should not be ruled out in favor of leasing merely because there is a possibility that future technological improvements may make the selected equipment less desirable.

Cost Comparison Considerations

The option of leasing is generally considered when the state must spend substantial money for an equipment item. In such situations, it is necessary to weigh several factors, including the life expectancy of the item, the feasibility of determining its final cost (considering repair and maintenance costs, trade-in or salvage value, etc.), and the likelihood that the item will need to be replaced.

Factors

Relevant factors to be considered in decisions involving equipment are:

- Length of time the equipment is to be used, extent of usage, and potential additional use by other agencies if the item is declared surplus property;
- The financial and other advantages of all types and makes available;
- Leasing costs and purchase options;
- Costs of purchase and installation;
- The likelihood that the item will soon become obsolete or outmoded due to technological improvements; and
- Other pertinent factors.

Methods

The method used for making a cost comparison may need to be complex (involving factors such as interest rates, technological life, trade-in value, etc.) or it may simply involve a comparison of what it will cost to buy and maintain the equipment against the cumulative, long-term cost of leasing. Irrespective of the method used for cost comparison, the point in time when the cumulative leasing cost will exceed the cost of purchasing usually does not vary significantly. In relation to that point the activity can decide:

- To purchase if the equipment will be used beyond the point when cumulative leasing costs exceed purchase costs;
- To lease with option to purchase when it is not certain whether the equipment's period of usefulness will exceed that point yet it is necessary or desirable to acquire the item immediately; or

- To lease without option to purchase when the equipment will not be used beyond the point where leasing costs exceed purchase costs and/or when it is not possible to obtain an option to purchase.

10.7. *Evaluation Committees*

The purchasing activity often needs to rely on experts for technical assistance and input from the end users in the evaluation process. The comments and recommendations from the end users can be helpful but are seldom documented in a manner that produces a demonstrable record. Therefore, the purchasing lead must conduct and maintain control over the evaluation of bids and proposals.

An evaluation committee must:

- Be formalized
- Operate by established rules
- Structured
- Document activity and discussion

The purchasing lead must exercise control and provide direction of the evaluation process. Otherwise a joint evaluation effort takes on a life of its own. Prior to the receipt of any bids or proposals, the committee members and any technical advisors must sign a Declaration of Conflict of Interest and Confidentiality Agreement. This will ensure their understanding of the need for integrity and objectivity in the evaluation process.

An evaluation committee generally consists of 3 or larger odd number of members. Establishment of the evaluation committee prior to bid publication, allows those not directly involved in the selection of the evaluation criteria to become familiar with and aware that they are the only criteria to be considered.

At least one member beside the purchasing lead should have some procurement background. The purchasing lead should chair the committee. One member should be designated to record committee deliberations.

The purchasing lead should use any approach in obtaining the committee's input that will insure independent and objective decision-making and preserves a record of the deliberations. Scoring systems with prepared score sheets, independent narratives, joint discussions or any combination are several acceptable approaches.

The recommendation of the evaluation committee is purely advisory. While the award is based on the committee's recommendation, the final decision to award is the responsibility of the purchasing lead. Required reasons to not accept the committee's recommendation are:

- Substantial error
- Failure to follow the established criteria
- Collusion
- Fraud
- Violation of the [Declaration of Conflict of Interest](#)

When additional information or clarification is required, the purchasing lead is responsible for getting the information and determining if the data might affect the award.

10.8. *Award Methodologies*

- Multiple award - an approach based upon geographical location of customer(s), commodity category, or multiple line items if considered appropriate based upon customer needs;
- Weighted point - an assignment methodology approach for multiple categories if considered appropriate
- Analysis of Purchases on an All-Or-None Basis

When quotations/bids are obtained on related items--such as various laboratory supplies, small hardware items, equipment parts, or office supplies--you may stipulate in the solicitation requirements that the state reserves the right to award on an all-or-none basis; that is, the state may purchase from the offeror who submits the lowest aggregate price rather than issue a purchase order to each supplier on the basis of the lowest quotation on each item. Such purchasing on the basis of low aggregate cost may afford savings since, depending on the degree of complexity; the cost of writing a purchase order may be rather expensive.

Assume in the following example that the administrative cost to issue a purchase order is \$100.

In that case, award in the aggregate to Vendor B will result in a savings.

Item No. <u>Bid</u>	Vendors			*Low
	A	B	C	
1	*\$125	\$130	\$133	\$125
(A)				
2	150	*144	147	144
(B)				
3	148	143	*140	140
(C)				
Totals	<u>\$423</u>	<u>\$417</u>	<u>\$420</u>	<u>\$409</u>
Cost to Issue Purchase Order(s)			\$100	\$300
Total Cost			\$517	\$709

To determine whether purchases should be made based on low aggregate cost, it is necessary to ascertain the administrative cost of the method of purchase. It may not always be advantageous to award "all or none"; therefore, vendors should be advised that the government reserves the right to award (or not award) on that basis after evaluation of vendors' quotations.

10.9. *Terms of Sale*

Most purchasing decisions also involve shipping decisions. The two important questions are: 1) "Who pays the freight cost?" and, 2) "Who owns the merchandise in transit?" Terms of sale are often abbreviated in ways that cause more confusion than they prevent.

FOB literally means "Free On Board." It is the place at which ownership (title) of the goods passes to the buyer, and usually, but not always, the point at which the buyer is responsible for

shipping costs. The FOB term alone is often confused with the question of who pays the actual freight charge. These are actually two separate issues and should be clearly defined when dealing with a supplier.

In the table shown below, the first entry is the most beneficial for the state, while the others increase the expense and risk to the state. Keep in mind that when ownership passes to the state at the point of origin, we own the merchandise in transit. Thus, we would be obligated to pay for lost or damaged shipments and then file a claim with the carrier, which could require several months to be resolved.

OSP normally recommends that purchase orders and quotations spell out "FOB: Destination; Freight Prepaid." However, there may be times when accepting a lower bid requires that we pay the shipping costs and accept the risk of loss for merchandise in transit.

The following table summarizes commonly used shipping terms and their implications:

NOTE: you will sometimes see the term "Freight Allowed" which means the seller pays the freight bill, and absorbs the costs.

Terms of Sale	Payment of Initial Freight Charge	Bears Final Freight Cost	Owens Goods in Transit	Files Claims, if any
FOB Destination, Freight Prepaid (Allowed)	seller	seller	seller	seller
FOB Destination, Freight Collect		buyer	seller	seller
FOB Destination, Freight Prepaid and Added (Charged back to buyer on invoice)	seller	buyer	seller	seller
FOB Shipping Point, Freight Prepaid (Allowed)	seller	seller	buyer	buyer
FOB Shipping Point, Freight Collect		buyer	buyer	buyer
FOB Shipping Point, Freight Prepaid and Added (Charged back to buyer on invoice)	seller	buyer	buyer	buyer

10.10. *Managing Customer Feedback*

The customer feedback process is a tool the Office of State Procurement uses to evaluate the effectiveness of its term contracts and is an imperative part of contract management. The current form that is used is titled [Vendor and Contract Report Cards](#) (VCRC) and is to be filled out by the end users of the contract. The form is used for the following purposes:

- This form may be submitted at any time to report supplier performance during the term of any state contract the customer is using at that time.
- It may be used in connection with contract administration to obtain customer feedback for a contract if there are not any on file during the 150 day review of contractor performance.
- It can rate supplier's performance or report unsatisfactory products or services. Additional this form may be used to report superior performance by a supplier.
- It can be used in connection with the "Best Buy Procedures" to report contract value concerning product's listed on state contracts.
- A copy of this form is attached to state contracts for ease of reporting purposes or may be obtained from the [Reference & forms](#) library located on the OSP website.

After completion of the form it can be emailed, mailed, or faxed to OSP for distribution to the appropriate contract specialist for the required actions.

11. Index

A

Agency, 4, 6, 9, 15, 19, 38, 62, 70, 79
All or nothing award, 9
Alternate, 9
Award, 9, 10, 39, 40, 42, 52, 57, 92

B

Bid, 10, 14, 15, 22, 23, 31, 40, 42, 43, 45, 50, 52, 53, 92
Bid XE "Bid" Evaluation, 10, 40, 43
Bid XE "Bid" Opening, 10, 15, 31
Bid XE "Bid" Sample, 10
Bidder, 10, 19, 44, 53
Brand, 10, 13, 85, 86
brand specification, 86
brand-name-or-equal specification, 87

C

Commodity, 11, 62, 83
Community Rehabilitation Programs, 9, 11, 27, 37, 56, 70
Competition, 11, 27, 29, 39, 67, 68, 75, 97
Competitive Procurement Standards (CPS), 11, 29, 31, 76
Competitive Solicitation, 11
Confidential information, 11
Conflict of Interest, 11, 40, 91
Contract, 11, 23, 29, 31, 32, 33, 52, 56, 76
Contractor, 11, 18
Cooperative Purchasing, 11, 33
Correctional Industries, 12, 27, 29, 38, 40, 56

D

Delegated Authorities, 12
Delegated purchase authority, 12, 18, 54
Delivery Terms, 12
Design Specification, 12, 85
Direct buy limit, 12
Director, 3, 12, 19, 62, 74
Discount, 12, 44
Disposition, 13

E

Emergency, 13, 19, 29, 37, 39
Emergency XE "Emergency" purchase, 19
Emergency purchase, 13
Equal, 13, 85, 86
Equipment, 13, 14, 29, 36, 38, 61, 68, 69, 72, 73, 78, 82, 98
Ethics, 33, 40, 60, 84
Evaluation Committee, 13, 91

Exclusions, 13
Exemptions, 13, 19

F

Fair market price, 13, 19
Field Order (A17), 14
Formal sealed bid, 14
Funded, 14

G

General Authorities, 4, 12, 72
Goods and/or services, 14

I

Informality, 14, 44
Invitation for Bid, 10, 14, 15, 50
Invitation for Bid XE "Invitation for Bid" (IFB), 14

L

Late Bids or Quotations, 14
Limited Purchase XE "Purchase" Authority, 14, 61

M

moves, 54

O

OEM, 14, 69, 98
Office of State Procurement, 3, 4, 6, 8, 10, 11, 12, 14, 15, 16, 18, 19, 23, 33, 37, 38, 39, 62, 71, 75

P

Performance specification, 88
Performance Specification, 85, 88
Prompt payment discount, 15, 44, 45
Proposal, 10, 15, 16
Proposer, 10, 15, 53
Protest, 5, 6, 33, 62
Public Agency, 15
Public Bid XE "Bid" Opening, 15
Purchase, 6, 7, 8, 14, 15, 17, 18, 19, 29, 36, 37, 38, 39, 52, 55, 60, 61, 62, 74, 90, 92, 97
Purchase Order (PO), 15
Purchased Service, 15, 68, 80, 81, 97, 98
Purchasing activity, 16
Purchasing Cooperative, 11, 16

Q

QPL, 87
Quotation, 16

R

Recovered material, 16
Request for Proposal XE "Proposal" (RFP), 16
Request for Quotation, 16
Request for Quotation XE "Request for Quotation" (RFQ), 16
Requisition, 6, 7, 8, 16, 36, 39, 52, 55, 61
Responsible bidder, 16
Responsive bidder, 17

S

Sealed bid limit, 17
Segmenting, 17, 18, 52, 55
Single Source Purchase, 17
Sole Source, 17, 29, 34, 61, 76, 97
Solicitation, 11, 17, 19, 30
Special Market Condition, 17, 97
Specific Authority, 17, 60
Specific Purchase Authority, 14, 17, 60, 62

Specifications, 7, 10, 12, 17, 19, 30, 32, 34, 40, 49, 84, 85, 86

Splitting, 17, 18, 52, 55
Standard Purchasing Forms, 14, 18, 39, 75
standard specification, 88
Standard Specification, 85, 88
State Funded, 14
State Procurement Officer (SPO), 18
statement of work, 30, 89
Statutory Authority, 18
Supplier, 11, 18, 23, 40
Supplier XE "Supplier" list, 23
Surplus Property, 38, 57

U

Used equipment, 18, 68

V

Vendor, 92

W

World Trade Organization, 19, 39, 55
WTO Notice of Award, 39
WTO Notice of Planned Procurement, 39

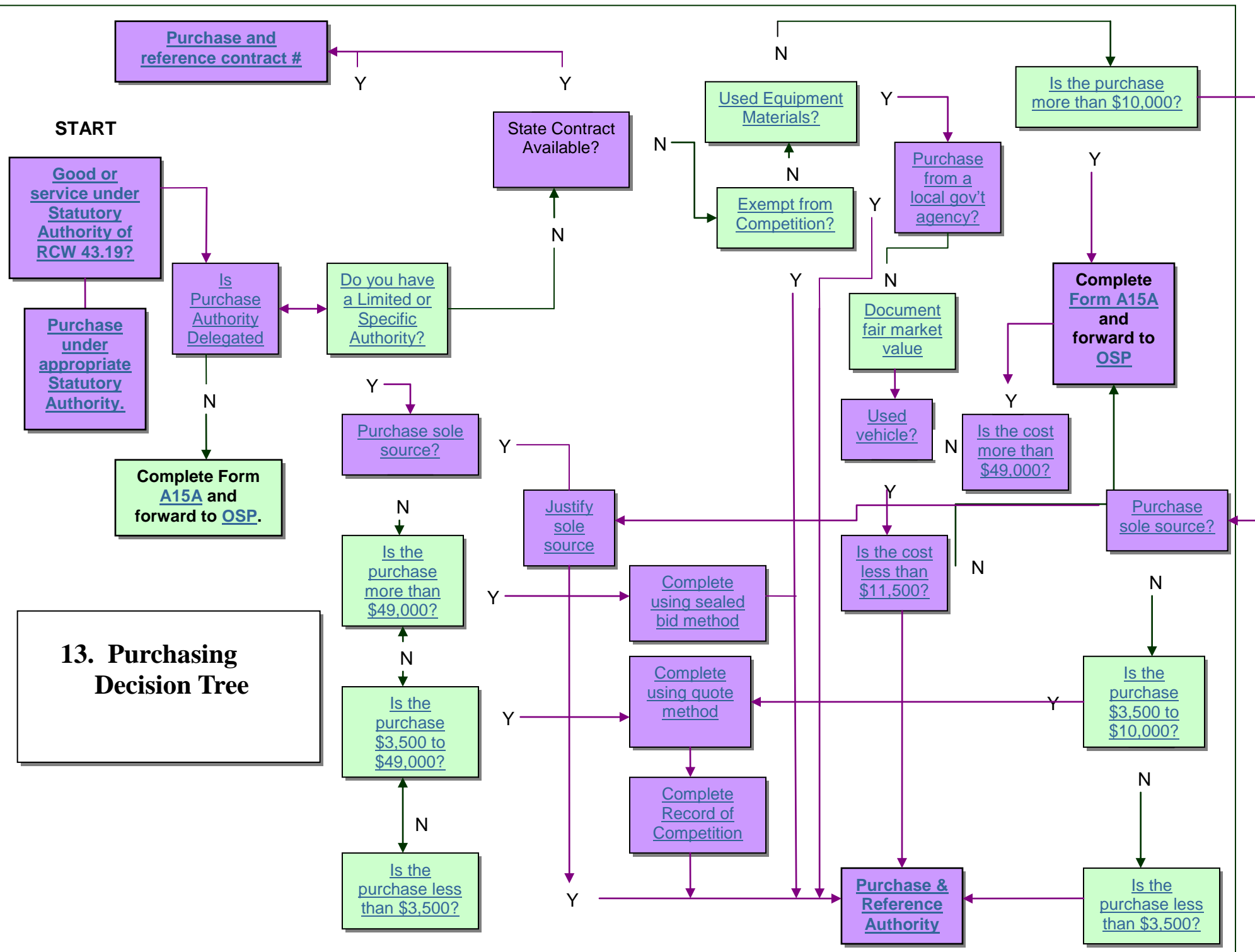
12. Cross Walk

The following table has been provided as a tool to cross reference purchasing authorities between the 2003 edition of the General Authorities and the *Washington Purchasing Manual*.

Delegated Purchase Authority		Reference	
General Authorities	Washington Purchasing Manual	General Authorities	Washington Purchasing Manual
Basic General Authority	<u>Up to \$10,000</u>	G.1	7.1.a
Utilities and Postage	<u>Utilities</u>	G.2	7.2.a
Utilities and Postage	<u>Postage and Postal Service</u>	G.2	7.2.b
Selected Goods and Services	<u>Over \$10,000</u>	G.3	7.1.b
Fuel purchases	<u>Fuel</u>	G.3.a	7.1.b.2
Alarm Systems	<u>Alarm Systems</u>	G.3.b	7.1.b.3
Sand, gravel and concrete ready mix	<u>Sand, gravel and concrete ready mix</u>	G.3.c	7.1.b.4
Purchased Service Activities	<u>Purchased Service</u>	G.3.d	7.1.b.7
Sole Source/Special Market Condition	<u>Purchases Exempt from Competition</u>	G.4	7.2
Professional licenses and memberships	<u>Professional licenses and memberships</u>	G.4.a	7.2.c
Publications, subscriptions and information service directories	<u>Publications, subscriptions and information service directories</u>	G.4.b	7.2.d
Registration/tuition	<u>Conferences & Seminars</u>	G.4.c	7.2.e
Miscellaneous fees	<u>Miscellaneous fees</u>	G.4.d	7.2.f
Temporary Boat Moorage	<u>Purchased Service</u>	G.4.d	7.1.b.7
Administration of testing program services	<u>Purchased Service</u>	G.4.e	7.1.b.7
Broadcast & Media Production Services	<u>Purchased Service</u>	G.4.f	7.1.b.7
Legal/promotional advertisements and awards	<u>Legal/promotional advertisements and awards</u>	G.4.g	7.2.g
Original works of art	<u>Original Works of Art</u>	G.4.h	9.14
Costs for use of patented graphic design or artwork and reproduction rights associated	<u>Costs for use of patented graphic design</u>	G.4.i	7.2.h

Delegated Purchase Authority		Reference	
General Authorities	Washington Purchasing Manual	General Authorities	Washington Purchasing Manual
with that patent.			
OEM repair services	OEM	G.4.j	7.2.i
Technical inspection	Technical inspection	G.4.k	7.2.j
All maintenance and repair services	Purchased Service	G.4.l	7.1.b.7
Expenses incurred in managing assets	Expenses incurred in managing assets	G.4.m	7.2.k
Hazardous waste disposal services	Purchased Service	G.4.n	7.1.b.7
Gasoline Charge cards	Non-Delegated Purchases	G.4.o	8.1.g
Groceries: (state commodity code group 89)	Groceries	G.4.p	7.1.b.5
Boiler compounds	Up to \$10,000	G.4.q	7.1.a
Plants, flowers, shrubs and tree seedlings	Plants	G.4.r	7.b.6
Training services	Training Services	G.4.s	7.2.l
Basic health screening/diagnostic costs	Basic health screening/diagnostic costs	G.4.t	7.2.m
Repair or replacement of rental equipment	Repair or replacement of rental equipment	G.4.u	7.2.n
Minor costs incurred in donating of agency owned used equipment	Minor costs incurred in donating of agency owned used equipment	G.4.v	7.2.o
Third Party Expenses	Third Party Expenses	G.4.w	7.2.p
Interagency Contracting Expenses	Interagency Contracting Expenses	G.4.x	7.2.q
Used Equipment/Materials	Used Equipment/	G.5	7.1.b.9
Purchases Via Federal Programs	Purchases Via Federal Programs	G.6	6.1.1

13. Purchasing Decision Tree



of the Office of State Procurement Requisition Methodologies Receipt and Opening-Name or Equal Specification Authoritys or Splitting Requirements Acquisition Authority or Splitting Requirements Purchases Agreements, Furniture or Vehicles Purchases Process Opening Amendments look up/Materials Requisition Purchase form A-16E (CI) Government Purchasing Agreement Government Purchasing Agreement **Requisition (A15-A) Purchase (A16-E) and Confidential Information Exemption Form** Development Amendments Receipt and Opening Award and Conduct Requisition Expenses Program Form A15 or Splitting Requirements Program/Materials Form A15-A Form A15-A (OSP) Cards and Conduct Specification Name or Equal Specificationss and Confidentiality Agreement Activities Activities Activities Activities repair services Activities ActivitiesMaterials